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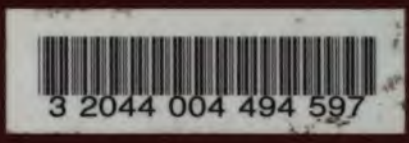
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[HAMILTON—*The Farmer Refuted*, 1775, Æt. 18.]

"We are laboring hard to establish in this country principles more and more *national*, and free from all foreign ingredients, so that we may be neither 'Greeks nor Trojans,' but truly Americans."—[HAMILTON TO KING, 1796, Æt. 39.]

Volume I

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PREFACE TO SECOND EDITION

IT is eighteen years since the first publication of this edition of the Works of Alexander Hamilton. The letterpress edition at that time printed was limited to 500 copies, which were subscribed for within a very short time after the completion of the publication, and for a number of years no further sets have been available for sale. In connection with the continued demand for the writings of Hamilton, a demand that is now coming from a later generation than that for which the set was originally printed, the publishers have felt warranted in again bringing the work before the public. The volumes as now issued are, of necessity, printed from type newly set for the purpose. The text is in substance identical with that of the original issue, but such errors, typographical or other, as crept into the earlier volumes, have, so far as detected, been corrected. It would appear that the writings and correspondence presented in the volumes as first issued were substantially complete. The editor has no knowledge of further Hamilton material of sufficient compass or importance to warrant any fresh compilation or general revision.

The editor has no change, either, to make in the Preface written eighteen years ago, in which he tried to give an estimate of Hamilton's influence and intellect and of his power and standing as an American statesman, or rather as a statesman of the closing years of the eighteenth century, for Hamilton is one of the representative minds of a period as well as of a country. But the increased demand for his Works which has called forth this second edition furnishes, when rightly considered, a text of such significance, that the editor of his Works is not willing to let it pass without comment.

Hamilton's great contemporary reputation suffered after his death an almost complete eclipse. The unrestricted triumph of his chief opponent, Thomas Jefferson, and the course pursued by the Federalists in regard to the purchase of Louisiana and the War of 1812, were the chief causes of this result. The party of which he had been the chief and the champion sank out of existence, and even its name was lost except as a byword of political unpopularity. The early history of the United States, moreover, was little studied in the first half of the nineteenth century except by a few public men or by scholars and antiquarians thought to be possessed by strange fancies. After the Civil War, however, the American people, purged by a great ordeal of fire from the crude boasting which furnished the Dickenses and Trollopes a theme for their abuse, awoke to a full realization of the greatness of the work in which they had been engaged and of the

meaning and power of the nation they had built up. In schools and universities, American history was taught as never before, and the popular interest in it became not only widespread but profound. One has but to turn to the catalogues of our libraries and our publishers to find proof of this, and to learn that every nook and corner of our history is being explored, and that all the most important periods have been and are being studied and written about with the utmost care and ability.

No one has profited by these changed conditions more than Hamilton. As the history of the United States has been investigated and developed, Hamilton has loomed ever larger upon the receding horizon of the days when that history began. His commanding figure has grown ever more luminous and more vital as the years have passed by, and the change is marked even in the eighteen which have elapsed since this edition was first published. He has been the subject of many biographies and in these later days has become the hero of fiction, which has discovered the romantic side of his career, and has made his name and deeds familiar to many to whom history is only a task.

Eighteen years ago, many persons probably would have hesitated to admit in full the editor's estimate of Hamilton's ability and power and of his standing among the statesmen of his time at home and abroad. The editor is inclined to think that few good judges to-day, whether or not they agreed with Hamilton in political principles, would seriously question that estimate and opinion as put forth in 1885. More and

more have events justified Hamilton's conception of the government of the United States; more and more has the soundness of his finance and of his principles of administration been silently accepted. Even upon the most contested of his policies, that of protection, to which the United States has always adhered, it would seem as if the world were gradually coming round to Hamilton's position.

The Preface to this edition, written in 1885, says: "He studied Adam Smith and then wrote the Report on Manufactures, developing the theory as to the protection of nascent industries in its application to the United States, and standing firmly on the doctrine that this was a question which each nation must decide for itself." All the nations of the earth, with but one exception, have in practice accepted this doctrine, and when the leader of one party in England says: "There is nothing sacred in Free Trade," and the leader of the other is urging preferential colonial and imperial tariffs, it seems as if, despite the fervor of their Free-Trade protestations, they were drawing near to the great American statesman who a hundred years ago declared that Free Trade or Protection was a mere question of what was more profitable, and that each nation, in view of all the surrounding circumstances, must decide that question for itself.

Hamilton was a thinker as well as an actor. He did many great deeds. He cut his name deep in our history. His influence is felt to-day, as it always has been, in our government and our policies. But if he had never done anything personally his

writings must always be studied as enduring contributions to finance, political economy, and the science of government.

H. C. LODGE.

NAHANT,
July 8th, 1903.

Mrs. Alexander Hamilton

From the painting by Inman

PREFACE

TWO schools of political thought have existed in the United States, and their struggle for supremacy has made the history of the country. One was the national school, the other was the school of States'-rights. One believed in a liberal construction of the Constitution, and in a strong and energetic federal government, wielding all its powers to their full extent. The other believed in a strict construction of the Constitution, in a simple and restrained federal government, exercising in a limited way only such powers as were absolutely needful. One was founded by Alexander Hamilton, the other by Thomas Jefferson. On the one side it was maintained that the United States ought to be, and were, a nation; on the other, that the Union was a confederacy. The conflict between these opposing forces began at the close of the Revolution, was ardent in the convention which framed the Constitution, continued with ever-increasing intensity for seventy years, and then culminated in the Civil War. In that fierce battle the national principle, which had strengthened with every year from the time of the formation of the government, triumphed, and it is now supreme.

The dominant purpose of Hamilton's life was the creation of a national sentiment, and thereby the making of a great and powerful nation from the discordant elements furnished by thirteen jarring States. To the accomplishment of this purpose every thing he said and did as a public man was steadily and strongly directed. The influence of the policy of Washington's administration upon the establishment and development of this great nation of ours cannot be overestimated. Much of that policy was due to Hamilton alone, and in all parts of it he made himself deeply felt. Yet his masterly policy as Secretary of the Treasury, and as cabinet officer, as well as the active and influential part which he took in the Constitutional Convention, represent but a small portion of his services to the cause of nationality. Hamilton's greatest work was in creating, forming, and guiding a powerful public opinion in support of a national system; and the sentiment thus brought into being went steadily on with ever-increasing force, until it prevailed over all its enemies. Hamilton achieved his success by the profound influence which he exerted on the public mind. No statesman in our history has ever swayed so many of the leading men among his contemporaries as Hamilton, and at the same time he appealed by his pen to the largest popular audience of any man of his time. He was the first teacher in the school of national politics. The sacred fire once lighted never went out, and the principles then inculcated were carried forward and ever raised higher through the after years.

This vast influence upon the political thought and the political history of the country Hamilton obtained by his writings, which range from elaborate Treasury reports to the brief utterances of private correspondence. The historical value and importance of these writings cannot be rated too highly, and are of themselves sufficient reason for the republication of his works, of which the original edition is now almost unobtainable.

But there is another side to Hamilton's writings which makes them of even wider and more lasting worth than their effect upon the people of the United States. This is their intrinsic merit as contributions to the philosophy or science of government, as well as to finance and political economy. These were questions much meditated upon at the close of the eighteenth century, and they have engaged the best attention of the civilized world ever since. Hamilton ranks as one of the great thinkers in the days when political economy and the huge mechanism of modern finance came into being. He stands conspicuous in that all-important period, and in that broad field of thought, side by side with such men as Turgot, Pitt, and Adam Smith, and he does not suffer by comparison with these contemporaries, either in force and originality of ideas, or in practical success. He studied Adam Smith and then wrote the Report on Manufactures, developing the theory as to the protection of nascent industries in its application to the United States, and standing firmly on the doctrine that this was a question which each nation must decide for itself. He watched

the policy of Pitt with close attention, but when he came to deal with our own financial problem, although he adopted the funding system and the sinking fund he used the latter simply as a plain business expedient, and cast aside the juggling pretences by which "the heaven-born minister" deluded a whole generation of Englishmen. Beyond the field of finance and political economy, he dealt with the far-reaching questions of federative systems of government to which many thinkers look to-day for a solution of the difficulties which great armies and recurring wars constantly present in Europe. As contributions to modern thought on the most important of modern themes the writings of Hamilton hold now and must always hold a very high position.

This is not the place nor is it needful here to say anything about Hamilton either as a statesman, writer, or man. His strong personality is becoming every day more familiar and more vivid to a posterity which is now beginning to understand and appreciate him, and his influence may be traced in every page of our history. He was every inch a statesman, intellectually second to no one of his own day in that high calling, where he still waits for his superior. But these are subjects for the historian or the biographer, and Hamilton's personal history and public career have been written, rewritten, and minutely discussed from the island of Nevis down to the fatal glade at Weehawken. As for his writings they tell their own story, and their ability and force are obvious to every one who reads them.

It is enough for the editor of these volumes to say

a very few words as to the general character and quality of Hamilton's mind as they appear to him after careful and repeated study. Hamilton was pre-eminently a believer in Pope's axiom that "order is heaven's first law," and his intellect was in the highest degree lucid, well-ordered, and systematic. Whatever defects they may have had, Hamilton's arguments were invariably strong, cogent, compact, and most rigid in reasoning. His mind was penetrating and clear, and although every thing he ever wrote is simplicity itself in statement and thought, it is the simplicity of thorough knowledge and absolute command, and not that of superficiality and ignorance.

Statesmen, or rather leaders, of the destructive class can always be found when they are needed, which is, fortunately, not often. Great statesmen of the constructive order are, on the contrary, rare enough, and are always wanted. Hamilton was one of the latter kind. He was most conspicuously "cosmic, and not chaotic," as Carlyle would have put it, and he had another quality which would have commended him still more to the great Scotchman: he saw, appreciated, and admitted facts. Never did he blink them out of sight or go upon a vain shadow-hunt, but always faced them and built upon them or did battle with them as the case might be. There is nothing vague or misty about Hamilton. Every thing is as clear-cut and well defined as the American landscape on a bright, frosty, autumn day. He had a powerful imagination for facts, if such an apparent contradiction in terms may be permitted.

That is, he saw and felt the realities of every situation so strongly himself that he never failed to depict them vividly, and bring them home sharply to the minds of others. With such mental qualities, backed by a relentless will, a strong and even passionate nature, and burning energy, it is not to be wondered at that Alexander Hamilton left so deep a mark upon our history, and that he is in every way so well worth our careful study.

It only remains to say a word in regard to the plan and arrangement of this edition. The first object was to bring all Hamilton's writings under one roof. This has never been done hitherto, for the *Federalist* has always found shelter elsewhere. To accomplish this purpose in good print and within reasonable limits, it became necessary first to reduce the large amount of material gathered together in the edition of 1851 by John C. Hamilton. The omissions thus made from the earlier edition can be readily classified. All letters written by others to Hamilton, with one or two trifling exceptions, have been dropped. Many of these are, of course, historically speaking, very important, but those which deserve this description are for the most part to be found elsewhere in the works of their respective writers. All of them, however, whether valuable or worthless, were sacrificed because the edition was to embody Hamilton's works and not the letters of his contemporaries. Of Hamilton's own writings a small number have been omitted, but nothing which did not seem to the editor entirely valueless for history or any other pur-

pose. Such are revenue circulars; reports on private claims against the government; bald statements of accounts, or estimates rendered to Congress; letters written during the Revolution and containing merely the current news or rumors of the day without opinion or comment; the letters of Washington written by Hamilton in his capacity of secretary, and attributed by the latter's son to the aide-de-camp and not to the General who signed them; brief notes acknowledging the receipt of letters or transmitting reports and the like; and, finally, routine business letters to the Amsterdam bankers and others. A calendar of all letters and documents written by Hamilton, and printed in the John C. Hamilton edition, but omitted here, will follow the index. In addition to the *Federalist* there are certain other papers now included in Hamilton's works for the first time. The most important is the famous Reynolds pamphlet. The editor hesitated long before deciding to include that publication in this edition, because he felt a strong distaste to even the appearance of reviving an old scandal. But the reasons for reprinting it seemed irresistible. Every one who is at all familiar with Hamilton's career, or with our early history, has heard of the Reynolds affair. Comparatively few persons have read or have been able to obtain Hamilton's own account of the matter. It was a melancholy but a very important incident in Hamilton's life, and can never be separated from it. It involves questions of private and public morality which unhappily are always likely to arise, and it

throws a bright light upon the strength of Hamilton's character, as well as upon the errors into which he fell. His enemies used it at the time, and Mr. Parton has recently given copious selections from it in his *Life of Jefferson*. Hamilton published the story to the world to vindicate his honor as a public man. The justice which he thus sought to obtain from his contemporaries he has a right to demand at the hands of posterity. Inasmuch as the affair cannot be forgotten, and what Hamilton felt himself ought to be made public, his editor has not the right to suppress the pamphlet.

Besides the Reynolds pamphlet, there are some letters which have found their way into print since the edition of 1851 appeared. These, together with the heretofore unpublished letters still in the archives at Washington, are also included in this edition. The new letters, as well as the collation with the originals of those previously printed, are due to the untiring kindness of Mr. Theodore F. Dwight, the librarian of the State Department. To his care and thought the merit of this edition in regard to the accuracy and completeness of the private correspondence will be entirely due, and the editor cannot express too fully his indebtedness for such generous assistance. In the first volume the *Continentalist*, incomplete in the edition of 1851, is given in full. The speeches in the Federal convention, which were wholly omitted in the first edition, are now given entire from Madison and Yates, and John C. Hamilton's imperfect publication of the speeches in the New York convention is now replaced by a com-

plete report. The most important addition, however, in the first volume is an address to the electors in 1789, for which the editor is indebted to the thoughtful kindness of Mr. Henry A. Homes, State Librarian of New York. This address is reprinted here for the first time from a probably unique copy of the original pamphlet at Albany. It is of great importance because it shows, in connection with a previous address to the Albany Supervisors, and with the "H. G." letters, the policy and work of the Federalists in their efforts to secure a first Congress favorable to the Constitution, and to break down all opposition.

The editor is satisfied that nothing of any value has been omitted unless by some inadvertence which cannot always be avoided. He is, however, by no means equally sure that, in his desire to make this edition a really complete collection of Hamilton's writings, he has not included a number of papers which, for the comfort of the public it would have been better to consign to the dust-bins of the past. The work of selection is always difficult in such cases, but the editor's purpose has been to make the edition complete without loading it with material of no earthly importance to any human being.

A purely chronological arrangement of the letters and papers would have led to inextricable confusion, through which no index could have piloted any one. The writings, therefore, except in the case of the *Federalist*, which has a volume to itself, and of the private correspondence, are arranged by subjects,

and these subdivisions are in turn arranged chronologically. Hamilton's writings lend themselves easily to such a classification, and this method of presenting them in groups seems to the editor to do them more justice, and to show better than any other the course and the results of the writer's thoughts and influence. This arrangement also, it is thought, will be found the most convenient and manageable which could be devised for general use. Hamilton is not a writer who requires much annotation, for he tells his own story in almost every case a good deal better than any one can tell it for him. The editor's notes, which are few, and, as a rule, very brief, have been inserted simply to explain the occasion of the letter or essay to which they are appended, to define some individual or occurrence therein mentioned, or to trace in outline the subsequent history of a policy which owed its inception or its establishment to Hamilton's efforts. If these volumes serve to make better known the ability and the influence of one of America's greatest statesmen, the purpose of this edition will be amply fulfilled.

The portrait in the first volume is from a picture by Trumbull, painted in 1792 for Mr. George Cabot. This portrait has always remained in the possession of Mr. Cabot's descendants, and is now engraved for the first time.

HENRY CABOT LODGE.

January 10, 1885.

CONTENTS

	PAGE
PREFACE TO SECOND EDITION	v
PREFACE	xi
HAMILTON CHRONOLOGY	xxi
A FULL VINDICATION	1
THE FARMER REFUTED	53
REMARKS ON THE QUEBEC BILL	181
PUBLIUS	199
THE GOVERNMENT AND THE CONSTITUTION	213
THE CONTINENTALIST	243
RESOLUTIONS FOR A GENERAL CONVENTION OF THE STATES	291
SPEECHES AND RESOLUTIONS IN CONGRESS	299
OPEN DEBATE	302
MUTINY OF TROOPS	303
RESOLUTIONS FOR A GENERAL CONVENTION	305
MUTINY OF THE TROOPS	314
VINDICATION OF CONGRESS	327
ADDRESS OF THE ANNAPOLIS CONVENTION	335
RESOLUTIONS OFFERED IN THE LEGISLATURE OF NEW YORK	343
FEDERAL CONVENTION:	
PROPOSITIONS FOR A CONSTITUTION OF GOVERNMENT	347
CONSTITUTION OF GOVERNMENT BY THE PEOPLE OF THE UNITED STATES OF AMERICA	350

PAGE

FEDERAL CONVENTION—*Continued:*

BRIEF OF SPEECH ON SUBMITTING HIS PLAN OF CONSTITUTION 370

SPEECHES IN THE FEDERAL CONVENTION . . . 381

IMPRESSIONS AS TO THE NEW CONSTITUTION . 420

COMMENTS ON THE OPPOSITION TO THE CONSTITUTION 424

APPENDIX 431

HAMILTON CHRONOLOGY.

Jan. 11, 1757. Alexander Hamilton born in the island of Nevis.

Oct., 1772. Arrives in New York.

1773. Enters college.

Dec. 15, 1774. Publishes the *Full Vindication.*

1775. Joins a volunteer corps.

1776. Takes command of artillery company.

March 1, 1777. Joins Washington's Staff.

1779. Writes his first letter to Robert Morris on the National Bank.

Sept. 3, 1780. Letter to Duane on Government.

Dec. 14, 1780. Married to Miss Schuyler.

1782. Admitted to the bar.

June, 1782. Appointed Receiver of Taxes.

Nov., 1782. Enters Congress.

1783. Returns to practice of the law.

1786. Delegate to Annapolis Convention.

1786. Elected to the New York Legislature.

1787. Delegate to the Philadelphia Convention.

1787. Writes the *Federalist.*

1788. Delegate to the New York Convention.

Sept., 1789. Appointed Secretary of the Treasury.

Jan. 14, 1790. Transmits to the House the First Report on the Public Credit.

Jan. 31, 1795. Resigns the Secretaryship of the Treasury and returns to the practice of the law.

July 25, 1798. Appointed Inspector-General of the Army with the rank of Major-General.

July 2, 1800. Retires from the army.

July 11, 1804. Shot by Burr in a duel at Weehawken.

July 12, 1804. Death.

A FULL VINDICATION

OF THE

Measures of Congress from the calumnies of their enemies, in answer to a letter under the signature of a Westchester Farmer; whereby his *sophistry* is exposed, his *cavils* confuted, his *artifices* detected, and his *wit* ridiculed, in a General Address to the inhabitants of America, and a Particular Address to the Farmers of the *Province of New York*. Veritas magna est et prevalebit—Truth is powerful and will prevail. New York: printed by James Rivington: 1774.

A FULL VINDICATION.[1]

DECEMBER 15, 1774.

FRIENDS AND COUNTRYMEN:

It was hardly to be expected that any man could be so presumptuous as openly to controvert the

[1] About two months after the adjournment of the first Continental Congress, Dr. Seabury, afterward Bishop of Connecticut, published two pamphlets entitled *Free Thoughts on the Proceedings of the Continental Congress*, and *Congress Canvassed by a Westchester Farmer*. The pamphlets were written with considerable skill and presented all the arguments in behalf of the Crown in an attractive and popular manner. They were not without effect and were of much use to the Tories, by whom they were freely circulated. Within a fortnight after the appearance of the second tract appeared *A Full Vindication*. A reply to this was published, and then a month later came a still more elaborate pamphlet entitled *The Farmer Refuted*. These two productions in the patriot interest excited much attention, were widely read, and were attributed to Jay. Few suspected that they would prove to be the work of a college boy, and all were amazed when the true author was known. These two pamphlets are the first important efforts of Hamilton's pen. They are not now much more entertaining than other like essays of their period and class, but they take high rank among the writings of a period remarkable for the ability of its political discussions. They are, moreover, little short of wonderful when we remember that they are the work of a boy not eighteen years old. They have certain marks of youth about them, but are singularly free from such defects. They are, on the whole, very mature in thought, and show the strength of argument, the logical severity, the clearness and terseness which afterward made Hamilton the ablest controversialist and most brilliant political writer of his time. On this account, and also as examples of the manner in which public questions were then discussed, these two essays have a lasting interest and genuine historical and literary value.

equity, wisdom, and authority of the measures adopted by the Congress—an assembly truly respectable on every account, whether we consider the characters of the men who composed it, the number and dignity of their constituents, or the important ends for which they were appointed. But, however improbable such a degree of presumption might have seemed, we find there are some in whom it exists. Attempts are daily making to diminish the influence of their decisions, and prevent the salutary effects intended by them. The impotence of such insidious efforts is evident from the general indignation they are treated with; so that no material ill-consequences can be dreaded from them. But lest they should have a tendency to mislead, and prejudice the minds of a few, it cannot be deemed altogether useless to bestow some notice upon them.

And first, let me ask these restless spirits, Whence arises that violent antipathy they seem to entertain, not only to the natural rights of mankind, but to common-sense and common modesty? That they are enemies to the natural rights of mankind is manifest, because they wish to see one part of their species enslaved by another. That they have an invincible aversion to common-sense is apparent in many respects: they endeavor to persuade us that the absolute sovereignty of Parliament does not imply our absolute slavery; that it is a Christian duty to submit to be plundered of all we have, merely because some of our fellow-subjects are wicked enough to require it of us; that slavery, so far from being a great evil, is a great blessing; and

even that our contest with Britain is founded entirely upon the petty duty of three pence per pound on East India tea, whereas the whole world knows it is built upon this interesting question, whether the inhabitants of Great Britain have a right to dispose of the lives and properties of the inhabitants of America, or not. And lastly, that these men have discarded all pretension to common modesty, is clear from hence: first, because they, in the plainest terms, call an august body of men, famed for their patriotism and abilities, fools or knaves; and of course the people whom they represented cannot be exempt from the same opprobrious appellations; and secondly, because they set themselves up as standards of wisdom and probity, by contradicting and censuring the public voice in favor of those men.

A little consideration will convince us that the Congress, instead of having "ignorantly misunderstood, carelessly neglected, or basely betrayed the interests of the colonies," have, on the contrary, devised and recommended the only effectual means to secure the freedom, and establish the future prosperity of America upon a solid basis. If we are not free and happy hereafter, it must proceed from the want of integrity and resolution in executing what they have concerted, not from the temerity or impolicy of their determinations.

Before I proceed to confirm this assertion by the most obvious arguments, I will premise a few brief remarks. The only distinction between freedom and slavery consists in this: In the former state a man is governed by the laws to which he has given his

consent, either in person or by his representative; in the latter, he is governed by the will of another. In the one case, his life and property are his own; in the other, they depend upon the pleasure of his master. It is easy to discern which of these two states is preferable. No man in his senses can hesitate in choosing to be free, rather than a slave.

That Americans are entitled to freedom is incontestable on every rational principle. All men have one common original: they participate in one common nature, and consequently have one common right. No reason can be assigned why one man should exercise any power or pre-eminence over his fellow-creatures more than another; unless they have voluntarily vested him with it. Since, then, Americans have not, by any act of theirs, empowered the British Parliament to make laws for them, it follows they can have no just authority to do it.

Besides the clear voice of natural justice in this respect, the fundamental principles of the English constitution are in our favor. It has been repeatedly demonstrated that the idea of legislation or taxation, when the subject is not represented, is inconsistent with *that*. Nor is this all; our charters, the express conditions on which our progenitors relinquished their native countries, and came to settle in this, preclude every claim of ruling and taxing us without our assent.

Every subterfuge that sophistry has been able to invent, to evade or obscure this truth, has been refuted by the most conclusive reasonings; so that we may pronounce it a matter of undeniable certainty,

that the pretensions of Parliament are contradictory to the law of nature, subversive of the British constitution, and destructive of the faith of the most solemn compacts.

What, then, is the subject of our controversy with the mother country? It is this: Whether we shall preserve that security to our lives and properties, which the law of nature, the genius of the British constitution, and our charters, afford us; or whether we shall resign them into the hands of the British House of Commons, which is no more privileged to dispose of them than the Great Mogul. What can actuate those men who labor to delude any of us into an opinion that the object of contention between the parent state and the colonies is only three pence duty upon tea; or that the commotions in America originate in a plan, formed by some turbulent men, to erect it into a republican government? The Parliament claims a right to tax us in all cases whatsoever; its late acts are in virtue of that claim. How ridiculous, then, is it to affirm that we are quarrelling for the trifling sum of three pence a pound on tea, when it is evidently the principle against which we contend.

The design of electing members to represent us in general Congress was, that the wisdom of America might be collected in devising the most proper and expedient means to repel this atrocious invasion of our rights. It has been accordingly done. Their decrees are binding upon all, and demand a religious observance.

We did not, especially in this province, circum-

scribe them by any fixed boundary; and therefore, as they cannot be said to have exceeded the limits of their authority, their act must be esteemed the act of their constituents. If it should be objected that they have not answered the end of their election, but have fallen upon an improper and ruinous mode of proceeding, I reply by asking, Who shall be the judge? Shall any individual oppose his private sentiment to the united counsels of men in whom America has reposed so high a confidence? The attempt must argue no small degree of arrogance and self-sufficiency.

Yet this attempt has been made; and it is become, in some measure, necessary to vindicate the conduct of this venerable assembly from the aspersions of men who are their adversaries only because they are foes to America.

When the political salvation of any community is depending, it is incumbent upon those who are set up as its guardians to embrace such measures as have justice, vigor, and a probability of success to recommend them. If, instead of this, they take those methods which are in themselves feeble and little likely to succeed, and may, through a defect in vigor, involve the community in a still greater danger, they may be justly considered as its betrayers. It is not enough, in times of imminent peril, to use only possible means of preservation. Justice and sound policy dictate the use of probable means.

The only scheme of opposition suggested by those who have been and are averse from a non-importation and non-exportation agreement, is by REMON-

STRANCE and PETITION. The authors and abettors of this scheme have never been able to invent a single argument to prove the likelihood of its succeeding. On the other hand, there are many standing facts and valid considerations against it.

In the infancy of the present dispute, we had recourse to this method only. We addressed the throne in the most loyal and respectful manner, in a legislative capacity; but what was the consequence? Our address was treated with contempt and neglect. The first American Congress did the same, and met with similar treatment. The total repeal of the stamp act, and the partial repeal of the revenue acts, took place not because the complaints of America were deemed just and reasonable, but because these acts were found to militate against the commercial interests of Great Britain. This was the declared motive of the repeal.

These instances are sufficient for our purpose; but they derive greater validity and force from the following:

The legal assembly of Massachusetts Bay presented, not long since, a most humble, dutiful, and earnest petition to his Majesty, requesting the dismission of a governor highly odious to the people, and whose misrepresentations they regarded as one chief source of all their calamities. Did they succeed in their request? No—it was treated with the greatest indignity, and stigmatized as "a seditious, vexatious, and scandalous libel."

I know the men I have to deal with will acquiesce in this stigma. Will they also dare to calumniate

the noble and spirited petition that came from the Mayor and Aldermen of the city of London? Will they venture to justify the unparalleled stride of power by which Popery and arbitrary dominion were established in Canada? The citizens of London remonstrated against it; they signified its repugnancy to the principles of the revolution; but, like ours, their complaints were unattended to. From thence we may learn how little dependence ought to be placed on this method of obtaining the redress of grievances.

There is less reason now than ever to expect deliverance, in this way, from the hand of oppression. The system of slavery, fabricated against America, cannot, at this time, be considered as the effect of inconsideration and rashness. It is the offspring of mature deliberation. It has been fostered by time and strengthened by every artifice human subtility is capable of. After the claims of Parliament had lain dormant for a while, they are again resumed and prosecuted with more than common ardor. The Premier has advanced too far to recede with safety. He is deeply interested to execute his purpose, if possible. We know he has declared that he will never desist till he has brought America to his feet; and we may conclude nothing but necessity will induce him to abandon his aims. In common life, to retract an error, even in the beginning, is no easy task; perseverance confirms us in it, and rivets the difficulty. But in a public station, to have been in an error and to have persisted in it when it is detected, ruins both reputation and fortune. To this we may add, that disappointment and opposition inflame the

minds of men and attach them still more to their mistakes.

What can we represent which has not already been represented? What petitions can we offer that have not already been offered? The rights of America and the injustice of Parliamentary pretensions have been clearly and repeatedly stated, both in and out of Parliament. No new arguments can be framed to operate in our favor. Should we even resolve the errors of the Ministry and Parliament into the fallibility of human understanding, if they have not yet been convinced we have no prospect of being able to do it by anything further we can say. But if we impute their conduct to a wicked thirst of domination and disregard to justice, we have no hope of prevailing with them to alter it by expatiating on our rights and suing to their compassion for relief; especially since we have found, by various experiments, the inefficacy of such methods. Upon the whole, it is morally certain this mode of opposition would be fruitless and defective. The exigency of the times requires vigorous and probable remedies; not weak and improbable. It would, therefore, be the extreme of folly to place any confidence in, much less confine ourselves wholly to, it.

This being the case, we can have no resource but in a restriction of our trade, or in a resistance *vi et armis*. It is impossible to conceive any other alternative. Our Congress, therefore, have imposed what restraint they thought necessary. Those who condemn or clamor against it do nothing more nor less than advise us to be slaves.

I shall now examine the principal measures of the Congress, and vindicate them fully from the charge of injustice or impolicy.

Were I to argue in a philosophical manner, I might say the obligation to a mutual intercourse in the way of trade, with the inhabitants of Great Britain, Ireland, and the West Indies, is of the *imperfect* kind. There is no law, either of nature or of the civil society in which we live, that obliges us to purchase and make use of the products and manufactures of a different land or people. It is indeed a dictate of humanity to contribute to the support and happiness of our fellow creatures, and more especially those who are allied to us by the ties of blood, interest, and mutual protection; but humanity does not require us to sacrifice our own security and welfare to the convenience or advantage of others. Self-preservation is the first principle of our nature. When our lives and properties are at stake, it would be foolish and unnatural to refrain from such measures as might preserve them because they would be detrimental to others.

But we are justified upon another principle besides this. Though the manufacturers of Great Britain and Ireland and the inhabitants of the West Indies are not chargeable with any actual crime toward America, they may, in a political view, be esteemed criminal. In a civil society it is the duty of each particular branch to promote not only the good of the whole community, but the good of every other particular branch. If one part endeavors to violate the rights of another, the rest ought to assist

in preventing the injury. When they do not but remain neutral, they are deficient in their duty, and may be regarded, in some measure, as accomplices.

The reason of this is obvious from the design of civil society; which is, that the united strength of the several members might give stability and security to the whole body, and each respective member; so that one part cannot encroach upon another without becoming a common enemy, and eventually endangering the safety and happiness of all the other parts.

Since, then, the persons who will be distressed by the methods we are using for our own protection, have, by their neutrality, first committed a breach of an obligation similar to that which bound us to consult their emolument, it is plain the obligation upon us is annulled, and we are blameless in what we are about to do.

With respect to the manufacturers of Great Britain, they are criminal in a more particular sense. Our oppression arises from that member of the great body politic of which they compose a considerable part. So far as their influence has been wanting to counteract the iniquity of their rulers, so far they acquiesced in it, and are deemed to be confederates in their guilt. It is impossible to exculpate a people that suffers its rulers to abuse and tyrannize over others.

It may not be amiss to add, that we are ready to receive with open arms any who may be sufferers by the operation of our measures, and recompense them with every blessing our country affords to honest industry. We will receive them as brethren, and make

them sharers with us in all the advantages we are struggling for.

From these plain and indisputable principles, the mode of opposition we have chosen is reconcilable to the strictest maxims of justice. It remains now to be examined whether it has also the sanction of good policy.

To render it agreeable to good policy, three things are requisite. First, that the necessity of the times requires it; secondly, that it be not the probable source of greater evils than those it pretends to remedy; and lastly, that it have a probability of success.

That the necessity of the times demands it, needs but little elucidation. We are threatened with absolute slavery. It has been proved that resistance by means of REMONSTRANCE and PETITION would not be efficacious, and, of course, that a restriction on our trade is the only peaceable method in our power to avoid the impending mischief. It follows, therefore, that such a restriction is necessary.

That it is not the probable source of greater evils than those it pretends to remedy, may easily be determined. The most abject slavery, which comprehends almost every species of human misery, is what it is designed to prevent.

The consequences of the means are a temporary stagnation of commerce, and thereby a deprivation of the luxuries and some of the conveniences of life. The necessaries and many of the conveniences our own fertile and propitious soil affords us.

No person that has enjoyed the sweets of liberty can be insensible of its infinite value, or can reflect on

its reverse without horror and detestation. No person that is not lost to every generous feeling of humanity, or that is not stupidly blind to his own interest, could bear to offer himself and posterity as victims at the shrine of despotism, in preference to enduring the shortlived inconveniences that may result from an abridgment, or even entire suspension, of commerce.

Were not the disadvantages of slavery too obvious to stand in need of it, I might enumerate and describe the tedious train of calamities inseparable from it. I might show that it is fatal to religion and morality; that it tends to debase the mind, and corrupt its noblest springs of action. I might show that it relaxes the sinews of industry, clips the wings of commerce, and introduces misery and indigence in every shape.

Under the auspices of tyranny the life of the subject is often sported with, and the fruits of his daily toil are consumed in oppressive taxes, that serve to gratify the ambition, avarice, and lusts of his superiors. Every court minion riots in the spoils of the honest laborer, and despises the hand by which he is fed. The page of history is replete with instances that loudly warn us to beware of slavery.

ROME was the nurse of freedom. She was celebrated for her justice and lenity; but in what manner did she govern her dependent provinces? They were made the continual scene of rapine and cruelty. From thence let us learn how little confidence is due to the wisdom and equity of the most exemplary nations.

Should Americans submit to become the vassals of their fellow-subjects in Great Britain, their yoke will be peculiarly grievous and intolerable. A vast majority of mankind is entirely biassed by motives of self-interest. Most men are glad to remove any burthens off themselves, and place them upon the necks of their neighbors. We cannot, therefore, doubt but that the British Parliament, with a view to the ease and advantage of itself and its constituents, would oppress and grind the Americans as much as possible. Jealousy would concur with selfishness; and for fear of the future independence of America, if it should be permitted to rise to too great a height of splendor and opulence, every method would be taken to drain it of its wealth and restrain its prosperity. We are already suspected of aiming at independence, and that is one principal cause of the severity we experience. The same cause will always operate against us, and produce a uniform severity of treatment.

The evils which may flow from the execution of our measures, if we consider them with respect to their extent and duration, are comparatively nothing. In all human probability they will scarcely be felt. Reason and experience teach us that the consequences would be too fatal to Great Britain to admit of delay. There is an immense trade between her and the colonies. The revenues arising from thence are prodigious. The consumption of her manufactures in these colonies supplies the means of subsistence to a vast number of her most useful inhabitants. The experiment we have made here-

tofore shows us of how much importance our commercial connection is to her, and gives us the highest assurance of obtaining immediate redress by suspending it.

From these considerations it is evident she must do something decisive. She must either listen to our complaints and restore us to a peaceful enjoyment of our violated rights, or she must exert herself to enforce her despotic claims by fire and sword. To imagine she would prefer the latter, implies a charge of the grossest infatuation, of madness itself. Our numbers are very considerable; the courage of Americans has been tried and proved. Contests for liberty have ever been found the most bloody, implacable, and obstinate. The disciplined troops Great Britain could send against us would be but few. Our superiority in number would overbalance our inferiority in discipline. It would be a hard, if not impracticable, task to subjugate us by force.

Besides, while Great Britain was engaged in carrying on an unnatural war against us, her commerce would be in a state of decay. Her revenues would be decreasing. An armament, sufficient to enslave America, would put her to an insupportable expense.

She would be laid open to the attacks of foreign enemies. Ruin, like a deluge, would pour in from every quarter. After lavishing her blood and treasure to reduce us to a state of vassalage, she would herself become a prey to some triumphant neighbor.

These are not imaginary mischiefs. The colonies contain above three millions of people. Commerce flourishes with the most rapid progress throughout

them. This commerce Great Britain has hitherto regulated to her own advantage. Can we think the annihilation of so exuberant a source of wealth a matter of trifling import? On the contrary, must it not be productive of the most disastrous effects? It is evident it must. It is equally evident, that the conquest of so numerous a people, armed in the animating cause of liberty, could not be accomplished without an inconceivable expense of blood and treasure.

We cannot, therefore, suspect Great Britain to be capable of such frantic extravagance as to hazard these dreadful consequences; without which, she must necessarily desist from her unjust pretensions, and leave us in the undisturbed possession of our privileges.

Those who affect to ridicule the resistance America might make to the military force of Great Britain, and represent its humiliation as a matter the most easily to be achieved, betray either a mind clouded by the most irrational prejudices, or a total ignorance of human nature. However, it must be the wish of every honest man never to see a trial.

But should we admit a possibility of a third course, as our pamphleteer supposes,—that is, the endeavoring to bring us to a compliance by putting a stop to our whole trade, even this would not be so terrible as he pretends. We can live without trade of any kind. Food and clothing we have within ourselves. Our climate produces cotton, wool, flax, and hemp; which, with proper cultivation, would furnish us with summer apparel in abundance. The article of cot-

ton, indeed, would do more; it would contribute to defend us from the inclemency of winter. We have sheep, which, with due care in improving and increasing them, would soon yield a sufficiency of wool. The large quantity of skins we have among us would never let us want a warm and comfortable suit. It would be no unbecoming employment for our daughters to provide silks of their own country. The silkworm answers as well here as in any part of the world. Those hands which may be deprived of business by the cessation of commerce, may be occupied in various kinds of manufactures and other internal improvements. If, by the necessity of the thing, manufactures should once be established, and take root among us, they will pave the way still more to the future grandeur and glory of America; and, by lessening its need of external commerce, will render it still securer against the encroachments of tyranny.

It is, however, chimerical to imagine, that the circumstances of Great Britain will admit of such a tardy method of subjugating us, for reasons which have been already given, and which shall be corroborated by others equally forcible.

I come now to consider the last and principal ingredient that constitutes the policy of a measure, which is, a probabilty of success. I have been obliged to anticipate this part of my subject in considering the second requisite; and, indeed, what I have already said seems to me to leave no room for doubting that the means we have used will be successful; but I shall here examine the matter

more thoroughly, and endeavor to evince it more fully.

The design of the Congress in their proceedings, it cannot and need not be denied, was, either, by a prospect of the evil consequences, to influence the ministry to give up their enterprise, or, should they prove inflexible, to affect the inhabitants of Great Britain, Ireland, and the West Indies in such a manner as to rouse them from their state of neutrality, and engage them to unite with us in opposing the lawless hand of tyranny, which is extended to ravish our liberty from us, and might soon be extended for the same purpose against them.

The FARMER mentions, as one probable consequence of our measures, "clamors, discord, confusion, mobs, riots, insurrections, rebellions in Great Britain, Ireland, and the West Indies"; though at the same time he thinks *it is*, he also thinks *it is not*, a probable consequence. For my part, without hazarding any such seeming contradictions, I shall, in a plain way, assert that I verily believe a non-importation and a non-exportation will effect all the purposes they are intended for.

It is no easy matter to make any tolerably exact estimate of the advantages that accrue to Great Britain, Ireland, and the West Indies from their commercial intercourse with the colonies; nor, indeed, is it necessary. Every man, the least acquainted with the state and extent of our trade, must be convinced it is the source of immense revenues to the parent state, and gives employment and bread to a vast number of his Majesty's subjects.

It is impossible but that a suspension of it, for any time, must introduce beggary and wretchedness, in an eminent degree, both in England and Ireland. And as to the West India plantations, they could not possibly subsist without us. I am the more confident of this, because I have a pretty general acquaintance with their circumstances and dependencies.

We are told, "that it is highly improbable we shall succeed in distressing the people of Great Britain, Ireland, and the West Indies so far as to oblige them to join with us in getting the acts of Parliament which we complain of repealed. The first distress," it is said, "will fall on ourselves; it will be more severely felt by us than any part of his Majesty's dominions, and will affect us the longest. The fleets of Great Britain command respect throughout the globe. Her influence extends to every part of the earth. Her manufactures are equal to any, superior to most, in the world. Her wealth is great. Her people enterprising and persevering in their attempts to extend, and enlarge, and protect her trade. The total loss of our trade will be felt only for a time. Her merchants would turn their attention another way; new sources of trade and wealth would be opened; new schemes pursued. She would soon find a vent for all her manufactures in spite of all we could do. Our malice would hurt only ourselves. Should our schemes distress some branches of her trade, it would be only for a time; and there is ability and humanity enough in the nation to relieve those that are distressed by us, and put them in some other way of getting their living."

The omnipotency and all-sufficiency of Great Britain may be pretty good topics for her passionate admirers to exercise their declamatory powers upon, for amusement and trial of skill; but they ought not to be proposed to the world as matters of truth and reality. In the calm, unprejudiced eye of reason, they are altogether visionary. As to her wealth, it is notorious that she is oppressed with a heavy national debt, which it requires the utmost policy and economy ever to discharge. Luxury has arrived to a great pitch; and it is a universal maxim, that luxury indicates the declension of a state. Her subjects are loaded with the most enormous taxes. All circumstances agree in declaring their distress. The continual emigrations from Great Britain and Ireland to the continent are a glaring symptom that those kingdoms are a good deal impoverished.

The attention of Great Britain has hitherto been constantly awake to expand her commerce. She has been vigilant to explore every region with which it might be her interest to trade. One of the principal branches of her commerce is with the colonies. These colonies, as they are now settled and peopled, have been the work of near two centuries. They are blessed with every advantage of soil, climate, and situation. They have advanced with an almost incredible rapidity. It is, therefore, an egregious piece of absurdity to affirm, that the loss of our trade would be felt for a time (which must only signify for a short time). No new schemes could be pursued that would not require, at least, as much time to repair the loss of our trade, as was spent in

bringing it to its present degree of perfection, which is near two centuries. Nor can it be reasonably imagined, that the total and sudden loss of so extensive and lucrative a branch would not produce the most violent effects to a nation that subsists entirely upon its commerce.

It is said "there is ability and humanity enough in the nation to relieve those who are distressed by us, and to put them into some other way of getting their living." I wish the gentleman had obliged his readers so much as to have pointed out this other way. I must confess, I have racked my brains to no purpose to discover it; and I am fully of opinion it is purely ideal. Besides the common mechanic arts, which are subservient to the ordinary uses of life, and which are the instruments of commerce, I know no other ways, in time of peace, in which men can be employed, except in agriculture and the liberal arts. Persons employed in the mechanic arts are those whom the abridgment of commerce would immediately affect; and as to such branches as might be less affected, they are already sufficiently stocked with workmen, and could give bread to no more. Not only so, but I can't see by what legerdemain a weaver, a clothier, could be at once converted into a carpenter or blacksmith. With respect to agriculture, the lands of Great Britain and Ireland have been long ago distributed and taken up; nor do they require any additional laborers to till them, so that there could be no employment in this way. The liberal arts cannot maintain those who are already devoted to them; not to say, it is more than

probable, the generality of mechanics would make but indifferent philosophers, poets, painters, and musicians.

What poor shifts is sophistry obliged to have recourse to! We are threatened with the resentment of those against whom our measures will operate. It is said that "instead of conciliating we shall alienate the affections of the people of Great Britain; of friends, we shall make them our enemies." And further, that "we shall excite the resentment of the government at home against us, which will do us no good, but, on the contrary, much harm."

Soon after we are told that "we shall probably raise the resentment of the Irish and West Indians. The passions of human nature," it is said, "are much the same in all countries. If they find us disposed wantonly to distress them, to serve our own purposes, they will look out for some method to do without us. Will they not look elsewhere for a supply of those articles they used to take from us? They would deserve to be despised for their meanness, did they not."

To these objections I reply, first, with respect to the inhabitants of Great Britain: that if they are our friends, as is supposed, and as we have reason to believe, they cannot, without being destitute of rationality, be incensed against us for using the only peaceable and probable means in our power to preserve our invaded rights. They know, by their own experience, how fruitless remonstrances and petitions are. They know we have tried them, over and over, to no purpose. They know also how dangerous to their

liberties the loss of ours must be. What, then, could excite their resentment, if they have the least regard to common justice? The calamities that threaten them proceed from the weakness or wickedness of their own rulers, which compels us to take the measures we do. The insinuation, that we *wantonly* distress them to serve our own purposes, is futile, and unsupported by a single argument. I have shown we could have no other resource; nor can they think our conduct such, without a degree of infatuation that it would be impossible to provide against, and therefore useless to consult. It is most reasonable to believe they will revenge the evils they may feel, on the true authors of them—on an aspiring and ill-judged ministry; not on us, who act out of a melancholy necessity, and are the innocent causes in self-defence.

With respect to the ministry, it is certain that any thing which has a tendency to frustrate their designs will not fail to excite their displeasure. But since we have nothing to expect from their justice and lenity, it can be no objection to a measure that it tends to stir up their resentment. But their resentment (it is often said) may ruin us. The impossibility of doing that, without at the same time ruining Great Britain, is a sufficient security.

The same may be said with regard to the Irish and the West Indians, which has been said concerning the people of Great Britain. The Irish, in particular, by their own circumstances, will be taught to sympathize with us, and commend our conduct. Justice will direct their resentment to its proper objects.

It is true, self-love will prompt both the Irish and the West Indians to take every method in their power to escape the miseries they are in danger of. But what methods can they take? "The Irish," it is said, "may be supplied with flaxseed from Holland, the Baltic, and the river St. Lawrence. Canada produces no inconsiderable quantity already." And as to the West Indies, "they produce now many of the necessaries of life. The quantity may be easily increased. Canada will furnish them with many articles they now take from us: flour, lumber, horses, etc. Georgia, the Floridas, and the Mississippi abound in lumber; Nova Scotia, in fish."

The Dutch are rivals to the English in their commerce. They make large quantities of fine linens, gauze, laces, etc., which require the flax to be picked before it comes to seed; for which reason, it is not in their power to raise much more seed than they want for their own use. Ireland has always had the surplus from them. They could, if they were ever so willing, enlarge their usual supplies but very little. It is, indeed, probable they may withhold them. They may choose to improve the occasion for the advancement of their own trade. They may take advantage of the scarcity of materials in Ireland, to increase and put off their own manufactures.

The Baltic has ever supplied Ireland with its flax; and she has been able to consume that, with all she could derive from other quarters.

As to Canada, I am well informed, it could at present afford but a very inconsiderable quantity. It has had little encouragement, hitherto, to raise that

article; and, of course, has not much attended to it. The instances mentioned of seed being "bought up there at a low price, brought to New York, and sold to the Irish factors at a great advance," does not prove there is any quantity raised there. Its cheapness proceeds from there being no demand for it; and where there was no demand, there was no inducement to cultivate it.

Upon the whole, it appears that the supplies of flax-seed which Ireland might draw elsewhere would be trifling, in comparison with those received from us, and not at all equivalent to her wants. But if this were not the case, if she might procure a sufficiency without our help, yet could she not do without us. She would want purchasers for her linens after they were manufactured; and where could she find any so numerous and wealthy as we are? I must refer it to the profound sagacity of Mr. A. W. Farmer to explore them. It is too arduous a task for me.

Much less could the West Indies subsist independent of us. Notwithstanding the continual imports from hence, there is seldom, or never, in any of the islands, a sufficient stock of provisions to last six months, which may give us an idea how great the consumption is. The necessaries they produce within themselves, when compared with the consumption, are scarcely worth mentioning. Very small portions of the land are appropriated to the production of such necessaries; indeed, it is too valuable to admit of it. Nor could the quantity be increased to any material degree, without applying the whole of the land to it. It is alleged that

"Canada will furnish them with flour, lumber, horses, etc.," and that "Georgia, the Floridas, and Mississippi abound in lumber; Nova Scotia, in fish." These countries have been all along carrying on a trade to the West Indies as well as we; and can it be imagined that, alone, they will be able to supply them tolerably? The Canadians have been indolent, and have not improved their country as they ought to have done. The wheat they raise at present, over and above what they have occasion for themselves, would be found to go but little way among the islands. Those who think the contrary, must have mistaken notions of them. They must be unapprised of the number of souls they contain. Almost every one hundred and fifty or two hundred acres of land, exclusive of populous towns, comprehend a hundred people. It is not a small quantity of food that will suffice for so many. Ten or fifteen years' diligence, I grant, might enable Canada to perform what is now expected from her; but, in the meantime, the West Indians might have the satisfaction of starving.

To suppose the best; which is, that by applying their cane-lands to the purpose of procuring sustenance, they may preserve themselves from starving; still, the consequences must be very serious or pernicious. The wealthy planters would but ill relish the loss of their crops; and such of them as were considerably in debt would be ruined. At any rate, the revenues of Great Britain would suffer a vast diminution.

The FARMER, I am inclined to hope, builds too

much upon the present disunion of Canada, Georgia, the Floridas, the Mississippi, and Nova Scotia from other colonies. A little time, I trust, will awaken them from their slumbers, and bring them to a proper sense of their indiscretion. I please myself with the flattering prospect, that they will, erelong, unite in one indissoluble chain with the rest of the colonies. I cannot believe they will persist in such a conduct as must exclude them from the secure enjoyment of those heaven-descended immunities we are contending for.

There is one argument I have frequently heard urged, which it may be of some use to invalidate. It is this: that if the mother country should be inclined to an accommodation of our disputes, we have, by our rash procedure, thrown an insurmountable obstacle in her way; we have made it disgraceful to her to comply with our requisitions, because they are proposed in a hostile manner.

Our present measures, I have proved, are the only peaceable ones we could place the least confidence in. They are the least exceptionable, upon the score of irritating Great Britain, of any our circumstances would permit. The Congress have petitioned his Majesty for the redress of grievances. They have, no doubt, addressed him in the most humble, respectful, and affectionate terms; assured him of their own loyalty and fidelity, and of the loyalty and fidelity of his American subjects in general; endeavored to convince him, that we have been misrepresented and abused; and expressed an earnest desire to see an amicable termination of the unhappy differences now existing. Can a pretext be wanting,

in this case, to preserve the dignity of this parent state, and yet remove the complaints of the colonies? How easy would it be to overlook our particular agreements, and grant us redress in consequence of our petitions? It is easy to perceive there would be no difficulty in this respect.

I have omitted many considerations which might be adduced, to show the impolicy of Great Britain delaying to accommodate matters, and attempting to enforce submission, by cutting off all external sources of trade. To say all the subject allows would spin out this piece to an immoderate length. I shall therefore content myself with mentioning only three things more. First, it would be extremely hurtful to the commerce of Great Britain to drive us to the necessity of laying a regular foundation for manufactories of our own, which, if once established, could not easily, if at all, be undermined or abolished. Secondly, it would be very expensive to the nation to maintain a fleet for the purpose of blocking up our ports and destroying our trade; nor could she interrupt our intercourse with foreign climes without, at the same time, retrenching her own revenues; for she must then lose the duties and customs upon the articles we are wont to export to, and import from, them. Added to this, it would not be prudent to risk the displeasure of those nations, to whom our trade is useful and beneficial. And lastly, a perseverance in ill-treatment would naturally beget such deep-rooted animosities in America as might never be eradicated, and which might operate to the prejudice of the empire to the latest period.

Thus have I clearly proved, that the plan of opposition concerted by our Congress is perfectly consonant with justice and sound policy, and will, in all human probability, secure our freedom against the assaults of our enemies.

But, after all, it may be demanded, why they have adopted a non-exportation; seeing many arguments tend to show that a non-importation, alone, would accomplish the end desired.

I answer, that the continuance of our exports is the only thing which could lessen, or retard, the efficacy of a non-importation. It is not, indeed, probable it should do that to any great degree; but it was advisable to provide against every possible obstruction. Besides this, the prospect of its taking place, and of the evils attendant upon it, will be a prevailing motive with the ministry to abandon their malignant schemes. It will also serve to convince them that we are not afraid of putting ourselves to any inconveniences sooner than be the victims of their lawless ambition.

The execution of this measure has been wisely deferred to a future time, because we have the greatest reason to think affairs will be settled without it, and because its consequences would be too fatal to be justified by any thing but absolute necessity. This necessity there will be, should not our disputes terminate before the time allotted for its commencement.

Before I conclude this part of my address, I will answer two very singular interrogatories proposed by the FARMER. "Can we think," says he, "to threaten,

and bully, and frighten the supreme government of the nation into a compliance with our demands? Can we expect to force submission to our peevish and petulant humors, by exciting clamors and riots in England?" No, gentle sir. We neither desire nor endeavor to threaten, bully, or frighten any persons into a compliance with our demands. We have no peevish and petulant humors to be submitted to. All we aim at is, to convince your high and mighty master, the ministry, that we are not such asses as to let them ride us as they please. We are determined to show them that we know the value of freedom; nor shall their rapacity extort that inestimable jewel from us, without a manly and virtuous struggle. But for your part, sweet sir! though we cannot much applaud your wisdom, yet we are compelled to admire your valor, which leads you to hope you may be able to *swear*, threaten, bully, and frighten all America into a compliance with your sinister designs. When properly accoutred, and armed with your formidable hickory cudgel, what may not the ministry expect from such a champion? Alas for the poor committee gentlemen! How I tremble when I reflect on the many wounds and scars they must receive from your tremendous arm! Alas for their supporters and abettors! a very large part, indeed, of the continent,—but what of that? They must all be soundly drubbed with that confounded hickory cudgel; for surely you would not undertake to drub one of them, without knowing yourself able to treat all their friends and adherents in the same manner, since 't is plain you would bring them all upon your back.

I am now to address myself in particular to the Farmers of New York.

MY GOOD COUNTRYMEN[1]:

The reason I address myself to you, in particular, is not because I am one of your number, or connected with you in interest, more than with any other branch of the community. I love to speak the truth, and would scorn to prejudice you in favor of what I have to say, by taking upon me a fictitious character, as other people have done. I can venture to assure you the true writer of the piece signed A. W. FARMER, is not in reality a Farmer. He is some ministerial emissary, that has assumed the name to deceive you, and make you swallow the intoxicating potion he has prepared for you. But I have a better opinion of you than to think he will be able to succeed. I am persuaded you love yourselves and children better than to let any designing men cheat you out of your liberty and property, to serve their own purposes. You would be a disgrace to your ancestors, and the bitterest enemies to yourselves, and to your posterity, if you did not act like men, in protecting and defending those rights you have hitherto enjoyed.

I say, my friends, I do not address you in particular, because I have any greater connection with you than with other people. I despise all false pretensions and mean arts. Let those have recourse to

[1] This address to the farmers is written with remarkable skill. Nothing could be better adapted for telling popular effect than the simple, easy, and yet forcible style in which the appeal is made. It will bear comparison with the Drapier's letters, the greatest and purest model of popular political controversial writing in the language.

dissimulation and falsehood, who can't defend their cause without it. 'T is my maxim to let the plain, naked truth speak for itself: and if men won't listen to it, 't is their own fault: they must be contented to suffer for it. I am neither merchant nor farmer. I address you, because I wish well to my country, and of course to you, who are one chief support of it; and because an attempt has been made to lead you astray in particular. You are the men, too, who would lose most, should you be foolish enough to counteract the prudent measures our worthy Congress has taken for the preservation of our liberties. Those who advise you to do it are not your friends, but your greatest foes. They would have you made slaves, that they may pamper themselves with the fruits of your honest labor. 'T is the Farmer who is most oppressed in all countries where slavery prevails.

You have seen how clearly I have proved, that a non-importation and a non-exportation are the only peaceable means in our power to save ourselves from the most dreadful state of slavery. I have shown there is not the least hope to be placed in any thing else. I have confuted all the principal cavils raised by the pretended Farmer; and I hope, before I finish, to satisfy you, that he has attempted to frighten you with the prospect of evils which will never happen. This, indeed, I have, in a great measure, done already, by making appear the great probability, I may almost say, certainty, that our measures will procure us the most speedy redress.

Are you willing, then, to be slaves without a single

struggle? Will you give up your freedom, or, which is the same thing, will you resign all security for your life and property, rather than endure some small present inconveniences? Will you not take a little trouble to transmit the advantages you now possess to those who are to come after you? I cannot doubt it. I would not suspect you of so much baseness and stupidity as to suppose the contrary.

Pray, who can tell me why a farmer in America is not as honest and good a man as a farmer in England? or why has not the one as good a right to what he has earned by his labor as the other? I can't, for my life, see any distinction between them. And yet, it seems, the English farmers are to be governed and taxed by their own Assembly, or Parliament; and the American farmers are not. The former are to choose their own representatives from among themselves, whose interest is connected with theirs, and over whom they have proper control. The latter are to be loaded with taxes by men three thousand miles off; by men who have no interest or connections among them, but whose interest it will be to burden them as much as possible, and over whom they cannot have the least restraint. How do you like this doctrine, my friends? Are you ready to own the English farmers for your masters? Are you willing to acknowledge their right to take your property from you, and when they please? I know you scorn the thought. You had rather die than submit to it.

But some people try to make you believe we are disputing about the foolish trifle of three pence duty

upon tea. They may as well tell you that black is white. Surely you can judge for yourselves. Is a dispute, whether the Parliament of Great Britain shall make what laws and impose what taxes they please upon us, or not; I say, is this a dispute about three pence duty upon tea? The man that affirms it deserves to be laughed at.

It is true, we are denying to pay the duty upon tea; but it is not for the value of the thing itself. It is because we cannot submit to that without acknowledging the principle upon which it is founded; and that principle is, *a right to tax us in all cases whatsoever.*

You have heretofore experienced the benefit of being taxed by your own Assemblies only. Your burdens are so light that you scarcely feel them. You'd soon find the difference, if you were once to let the Parliament have the management of these matters.

How would you like to pay four shillings a year,[1] out of every pound your farms are worth, to be squandered (at least a great part of it) upon ministerial tools and court sycophants? What would you think of giving a tenth part of the yearly products of your lands to the clergy? Would you not think it very hard to pay ten shillings sterling, per annum, for every wheel of your wagons and other carriages; a shilling or two for every pane of glass in your houses; and two or three shillings for every one of your hearths? I might mention taxes upon your mares, cows, and many other things; but those I have

[1] The full price of your farms every five years.

already mentioned are sufficient. Methinks I see you stare, and hear you ask, how you could live, if you were to pay such heavy taxes. Indeed, my friends, I can't tell you. You are to look out for that, and take care you do not run yourselves in the way of danger, by following the advice of those who want to betray you. This you may depend upon: if ever you let the Parliament carry its point, you will have these and more to pay. Perhaps, before long, your tables, and chairs, and platters, and dishes, and knives, and forks, and every thing else, would be taxed. Nay, I don't know but they would find means to tax you for every child you got, and for every kiss your daughters received from their sweethearts; and, God knows, that would soon ruin you. The people of England would pull down the Parliament House, if their present heavy burdens were not transferred from them to you. Indeed, there is no reason to think the Parliament would have any inclination to spare you. The contrary is evident.

But being ruined by taxes is not the worst you have to fear. What security would you have for your lives? How can any of you be sure you would have the free enjoyment of your religion long? Would you put your religion in the power of any set of men living? Remember civil and religious liberty always go together: if the foundation of the one be sapped, the other will fall of course.

Call to mind one of our sister colonies, Boston. Reflect upon the situation of Canada; and then tell whether you are inclined to place any confidence in the justice and humanity of the Parliament. The

port of Boston is blocked up, and an army planted in the town. An act has been passed to alter its charter; to prohibit its assemblies; to license the murder of its inhabitants; and to convey them from their own country to Great Britain to be tried for their lives. What was all this for? Just because a small number of people, provoked by an open and dangerous attack upon their liberties, destroyed a parcel of tea belonging to the East India Company. It was not public, but private property they destroyed. It was not the act of the whole province, but the act of a part of the citizens. Instead of trying to discover the perpetrators, and commencing a legal prosecution against them, the Parliament of Great Britain interfered in an unprecedented manner, and inflicted a punishment upon a whole province, "untried, unheard, unconvicted of any crime." This may be justice, but it looks so much like cruelty, that a man of a humane heart would be more apt to call it by the latter than the former name.

The affair of Canada, if possible, is still worse. The English laws have been superseded by the French laws. The Romish faith is made the established religion of the land, and his Majesty is placed at the head of it. The free exercise of the Protestant faith depends upon the pleasure of the Governor and Council. The subject is divested of the right of trial by jury, and an innocent man may be imprisoned his whole life, without being able to obtain any trial at all. The Parliament was not contented with introducing arbitrary power and Popery in Canada, with its former limits; but they have

annexed to it the vast tracts of land that surround all the colonies.

Does not your blood run cold, to think that an English Parliament should pass an act for the establishment of arbitrary power and Popery in such an extensive country? If they had any regard to the freedom and happiness of mankind, they would never have done it. If they had been friends to the Protestant cause, they would never have provided such a nursery for its great enemy; they would not have given such encouragement to Popery. The thought of their conduct, in this particular, shocks me. It must shock you, too, my friends. Beware of trusting yourselves to men who are capable of such an action! They may as well establish Popery in New York, and the other colonies, as they did in Canada. They had no more right to do it there than here.

Is it not better, I ask, to suffer a few present inconveniences, than to put yourselves in the way of losing every thing that is precious? Your lives, your property, your religion, are all at stake. I do my duty. I warn you of your danger. If you should still be so mad as to bring destruction upon yourselves; if you still neglect what you owe to God and man, you cannot plead ignorance in your excuse. Your consciences will reproach you for your folly; and your children's children will curse you.

You are told, the schemes of our Congress will ruin you. You are told, they have not considered your interest; but have neglected or betrayed you. It is endeavored to make you look upon some of the

wisest and best men in America as rogues and rebels. What will not wicked men attempt! They will scruple nothing that may serve their purposes. In truth, my friends, it is very unlikely any of us shall suffer much; but let the worst happen, the farmers will be better off than other people.

Many of those that made up the Congress have large possessions in land, and may, therefore, be looked upon as farmers themselves. Can it be supposed they would be careless about the farmers' interest, when they could not injure that without injuring themselves? You see the absurdity of such a supposition.

The merchants, and a great part of the tradesmen, get their living by commerce. These are the people that would be hurt most by putting a stop to it. As to the farmers, "they furnish food for the merchant and mechanic; the raw materials for most manufactures are the produce of their industry." The merchants and mechanics are already dependent upon the farmers for their food; and if the non-importation should continue any time, they would be dependent upon them for their clothes also.

It is a false assertion that the merchants have imported more them usual this year. That report has been raised by your enemies, to poison your minds with evil suspicions. If our disputes be not settled within eighteen months, the goods we have among us will be consumed; and then the materials for making clothes must be had from you. Manufactures must be promoted with vigor; and a high price will be given for your wool, flax, and hemp.

It will be your interest to pay the greatest care and attention to your sheep. Increase and improve the breed as much as possible. *Kill them sparingly*, and such only as will not be of use toward the increase and improvement of them. In a few months we shall know what we have to trust to. If matters be not accommodated by spring, enlarge the quantity of your flax and hemp. You will experience the benefit of it. All those articles will be very much wanted; they will bring a great deal higher price than they used to do. And while you are supplying the wants of the community, you will be enriching yourselves.

Should we hereafter find it necessary to stop our exports, you can apply more of your land to raising flax and hemp, and less of it to wheat, rye, etc. By which means, you will not have any of those latter articles to lie upon hand. There will be consumption for as much of the former as you can raise; and the great demand they will be in will make them very profitable to you.

Patience, good Mr. Critic! *Kill them sparingly*, I said. What objection have you to the phrase? You 'll tell me, it is not *classical;* but I affirm it is, and if you will condescend to look into Mr. Johnson's dictionary, you will find I have his authority for it. Pray, then, for the future *spare* your wit upon such occasions, otherwise the world will not be disposed to *spare* its ridicule. And though the man that *spares* nobody does not deserve to be *spared* himself, yet will I *spare* you for the present, and proceed to things of more importance.

Pardon me, my friends, for taking up your time

with this digression, but I could not forbear stepping out of the way a little to show the world I am as able a critic and as good a punster as Mr. Farmer. I now return to the main point with pleasure.

It is insinuated, "that the bustle about non-importation, etc., has its rise, not from patriotism, but selfishness"; and is only made by the merchants, that they may get a high price for their goods.

By this time I flatter myself you are convinced that we are not disputing about trifles. It has been clearly proved to you, that we are contending for every thing dear in life; and that the measures adopted by the Congress, are the only ones which can save us from ruin. This is sufficient to confute that insinuation. But to confirm it, let me observe to you, that the merchants have not been the foremost to bring about a non-importation. All the members of the Congress were unanimous in it; and *many* of them were not merchants. The warmest advocates for it, everywhere, are not concerned in trade; and, as I have before remarked, the traders will be the principal sufferers, if it should continue any time.

But it is said it will not continue, because, "when the stores are like to become empty, they will have weight enough to break up the agreement." I don't think they would attempt it: but if they should, it is impossible a few mercenary men could have influence enough to make the whole body of the people give up the only plan their circumstances admit of for the preservation of their rights, and, of course, to forfeit all they have been so long striving to secure. The making of a non-importation agreement, did not

depend upon the merchants; neither will the breaking of it depend upon them. The Congress have provided against the breach of the non-importation, by the non-consumption agreement. They have resolved for themselves, and us their constitutents, "not to purchase, nor use, any East India tea whatsoever; nor any goods, wares, or merchandise from Great Britain or Ireland, imported after the first of December; nor molasses, etc., from the West Indies; nor wine from Madeira or the Western Islands; nor foreign indigo." If we do not purchase, nor use, these things, the merchant will have no inducement to import them.

Hence, you may perceive the reason of a non-consumption agreement. It is to put it out of the power of dishonest men to break the non-importation. *Is this a slavish regulation?* Or is it a hardship upon us to submit to it? Surely not. Every sensible, every good man must approve of it. Whoever tries to disaffect you to it ought to meet with your contempt.

Take notice, my friends, how these men are obliged to contradict themselves. In one place you are told, "that all the bustle about non-importation, etc., has its rise, not from patriotism, but from selfishness"; or, in other words, that it is made by the merchants, to get a higher price for their goods. In another place it is said, "that all we are doing is instigated by some turbulent men, who want to establish a republican form of government among us."

The Congress is censured for appointing committees to carry their measures into execution, and directing them "to establish such further regulations as

they may think proper for that purpose." Pray, did we not appoint our delegates to make regulations for us? What signified making them if they did not provide some persons to see them executed? Must a few bad men be left to do what they please, contrary to the general sense of the people, without any persons to control them, or to look into their behavior, and mark them out to the public? The man that desires to screen his knavery from the public eye will answer, Yes; but the honest man, that is determined to do nothing hurtful to his country, and who is conscious his actions will bear the light, will heartily answer, No.

The high prices of goods are held up, to make you dissatisfied with the non-importation. If the argument on this head were true, it would be much better to subject yourselves to that disadvantage for a time, than to bring upon yourselves all the mischiefs I have pointed out to you. Should you submit to the claim of the Parliament, you will not only be oppressed with the taxes upon your lands, etc., which I have already mentioned, but you will have to pay heavy taxes upon all the goods we import from Great Britain. Large duties will be laid upon them at home; and the merchants, of course, will have a greater price for them, or it would not be worth their while to carry on trade. The duty laid upon paper, glass, painters' colors, etc., was a beginning of this kind. The present duty upon tea is preparatory to the imposition of duties upon all other articles. Do you think the Parliament would make such a serious matter of three pence a pound upon tea if it intended

to stop there? It is absurd to imagine it. You would soon find your mistake if you did. For fear of paying a somewhat higher price to the merchants for a year or two you would have to pay an endless list of taxes, within and without, as long as you live, and your children after you.

But I trust there is no danger that the prices of goods will rise much, if at all. The same Congress that put a stop to the importation of them, has also forbid raising the prices of them. The same committee that is to regulate the one, is also to regulate the other. All care will be taken to give no cause of dissatisfaction. Confide in the men whom you, and the rest of the continent, have chosen the guardians of our common liberties. They are men of sense and virtue. They will do nothing but what is really necessary for the security of your lives and properties.

A sad pother is made, too, about prohibiting the exportation of sheep without excepting wethers. The poor Farmer is at a mighty loss to know how wethers can improve or increase the breed. Truly I am not such a conjurer as to be able to inform him, but, if you please, my friends, I can give you two pretty good reasons why the Congress have not excepted wethers. One is, that for some time we shall have occasion for all the wool we can raise; so that it would be imprudent to export sheep of any kind. And the other is, that if you confine yourself chiefly to killing wethers, as you ought to do, you will have none to export. The gentleman who made the objection must have known these things as well as myself; but

he loves to crack a jest, and could not pass by so fair an opportunity.

He takes notice of the first of these reasons himself; but in order to weaken its force cries: "Let me ask you, brother farmers, which of you would keep a flock of sheep barely for the sake of their wool?" To this he answers: "Not one of you. If you cannot sell your sheep to advantage, at a certain age, you cannot keep them to any profit." He thinks, because he calls you "brother farmers," that he can cajole you into believing what he pleases; but you are not the fools he takes you for. You know what is for your own interest better than he can tell you. And we all know that, in a little time, if our affairs be not settled, the demand for wool will be very great. You will be able to obtain such a price as will make it worth your while to bestow the greatest attention upon your sheep.

In another place this crafty writer tells you that "from the day our exports from this province are stopped, the farmers may date the commencement of their ruin." He asks: "Will the shopkeeper give you his goods? Will the weaver, shoemaker, blacksmith, carpenter, work for you without pay?" I make no doubt you are satisfied, from what I have said, that we shall never have occasion to stop our exports; but if things turn out contrary to our expectation, and it should become necessary to take that step, you will find no difficulty in getting what you want from the merchants and mechanics. They will not be able to do without you; and, consequently, they cannot refuse to supply you with what you stand in need of

from them. Where will the merchants and mechanics get food and material for clothing, if not from the farmer? And if they are dependent upon you for those two grand supports of life, how can they withhold what they have from you?

I repeat it, my friends, we shall know how matters are like to be settled by the spring. If our disputes be not terminated to our satisfaction by that time, it will be your business to plant large parts of your land with flax and hemp. Those articles will be wanted for manufactures; and they will yield you a greater profit than any thing else. In the interim, take good care of your sheep.

I heartily concur with the Farmer in condemning all illicit trade. Perjury is, no doubt, a most heinous and detestable crime; and, for my part, I had rather suffer any thing, than have my wants relieved at the expense of truth and integrity. I know there are many pretended friends to liberty who will take offence at this declaration; but I speak the sentiments of my heart without reserve. I do not write for a party. I should scorn to be of any. All I say is from a disinterested regard to the public weal.

The Congress, I am persuaded, were of the same opinion. They, like honest men, have, as much as was in their power, provided against this kind of trade, by agreeing to use no East India tea whatever after the first day of March next.

I shall now consider what has been said with respect to the payment of debts, and stopping of the courts of justice. Let what will happen, it will be your own faults if you are not able to pay your debts. I have

told you in what manner you may make as much out of your lands as ever: by bestowing more of your attention upon raising flax and hemp, and less upon other things. Those articles (as I have more than once observed) will be in the highest demand. There will be no doing without them; and, of course, you will be able to get a very profitable price for them. How can it be, that the farmers should be at a loss for money to pay their debts at a time when the whole community must buy, not only their food, but all the materials for their clothes, from them? You have no reason to be uneasy on that account.

As to the courts of justice, no violence can, nor will, be used, to shut them up; but, if it should be found necessary, we may enter into solemn agreement to cease from all litigations at law, except in particular cases. We may regulate lawsuits in such a manner as to prevent any mischief that might arise from them. Restrictions may be laid on, to hinder merciless creditors from taking advantage of the times to oppress and ruin their debtors; but, at the same time, not to put it in the power of the debtors *wantonly* to withhold their just dues from their creditors when they are able to pay them. The law ruins many a good honest family. Disputes may be settled in a more friendly way. One or two virtuous neighbors may be chosen by each party to decide them. If the next Congress should think any regulations concerning the courts of justice requisite, they will make them; and proper persons will be appointed to carry them into execution, and to see that no individuals deviate from them. It will be

your duty to elect persons whose fidelity and zeal for your interest you can depend upon, to represent you in that Congress, which is to meet in Philadelphia in May ensuing.

The Farmer cries: "Tell me not of delegates, congresses, committees, mobs, riots, insurrections, associations;—a plague on them all! Give me the steady, uniform, unbiassed influence of the courts of justice. I have been happy under their protection; and, I trust in God, I shall be so again."

I say: "Tell me not of the British commons, lords, ministry, ministerial tools, placemen, pensioners, parasites. I scorn to let my life and property depend upon the pleasure of any of them. Give me the steady, uniform, unshaken security of constitutional freedom. Give me the right to be tried by a jury of my own neighbors, and to be taxed by my own representatives only. What will become of the law and courts of justice without this? The shadow may remain, but the substance will be gone. I would die to preserve the law upon a solid foundation; but take away liberty, and the foundation is destroyed."

The last thing I shall take notice of is the complaint of the Farmer, that the Congress will not allow you "a dish of tea to please your wives with, nor a glass of Madeira to cheer your spirits, nor a spoonful of molasses to sweeten your buttermilk with." You would have a right to complain, if the use of these things had been forbidden to you alone; but it has been equally forbidden to all sorts of people. The members of the Congress themselves are no more permitted to please their wives with a dish of tea,

nor to cheer their spirits with a glass of wine, nor to sweeten their buttermilk with a spoonful of molasses, than you are. They are upon a footing with you in this respect.

By Him—but, with your leave, my friends, we 'll try, if we can, to do without swearing. I say, it is enough to make a man mad to hear such ridiculous quibbles offered, instead of sound argument; but so it is,—the piece I am writing against contains nothing else.

When a man grows warm he has a confounded itch for swearing. I have been going, above twenty times, to rap out an oath, By *Him that made me;* but I have checked myself with the reflection, that it is rather *unmannerly* to treat Him that made us, with so much freedom.

Thus have I examined and confuted all the cavils and objections, of any consequence, stated by this Farmer. I have only passed over such things as are of little weight, the fallacy of which will easily appear. I have shown that the Congress have neither "ignorantly misunderstood, carelessly neglected, nor basely betrayed you," but that they have devised and recommended the *only* effectual means to preserve your invaluable privileges. I have proved that their measures cannot fail of success, but will procure the most speedy relief for us. I have also proved that the farmers are the people who would suffer least, should we be obliged to carry all our measures into execution.

Will you, then, my friends, allow yourselves to be duped by this artful enemy? Will you follow his

advices, disregard the authority of your Congress, and bring ruin on yourselves and your posterity? Will you act in such a manner as to deserve the hatred and resentment of all the rest of America? I am sure you will not. I should be sorry to think any of my countrymen would be so mean, so blind to their own interest, so lost to every generous and manly feeling.

The sort of men I am opposing give you fair words to persuade you to serve their own turns; but they think and speak of you, in common, in a very disrespectful manner. I have heard some of their party talk of you as the most ignorant and mean-spirited set of people in the world. They say that you have no sense of honor or generosity; that you don't care a farthing about your country, children, nor any body else but yourselves; and that you are so ignorant as not to be able to look beyond the present, so that if you can once be persuaded to believe the measures of your Congress will involve you in some little present perplexities, you will be glad to do anything to avoid them, without considering the much greater miseries that await you at a little distance off. This is the character they give of you. Bad men are apt to paint others like themselves. For my part I will never entertain such an opinion of you, unless you should verify their words, by wilfully falling into the pit they have prepared for you. I flatter myself you will convince them of their error by showing the world you are capable of judging what is right and left, and have resolution to pursue it.

All I ask is that you will judge for *yourselves*. I

don't desire you to take my opinion, nor any man's opinion, as the guide of your actions. I have stated a number of plain arguments. I have supported them with several well-known facts. It is your business to draw a conclusion, and act accordingly. I caution you, again and again, to beware of the men who advise you to forsake the plain path marked out for you by the Congress. They only mean to deceive and betray you. Our representatives in General Assembly cannot take any wiser or better course to settle our differences than our representatives in the Continental Congress have taken. If you join with the rest of America in the same common measure, you will be sure to preserve your liberties inviolate, but if you separate from them, and seek for redress alone, and unseconded, you will certainly fall a prey to your enemies, and repent your folly as long as you live.

May God give you wisdom to see what is your true interest, and inspire you with becoming zeal for the cause of virtue and mankind!

THE FARMER REFUTED;

OR,

A more comprehensive and impartial View of the Disputes between Great Britain and the Colonies. Intended as a further Vindication of the Congress, in answer to a Letter from a Westchester Farmer, entitled a View of the Controversy between Great Britain and her Colonies, including a Mode of determining the present Disputes, finally and effectually, etc. By a sincere friend to America. Tituli remedia pollicentur, sed pyxides ipsæ venena continent—The title promises remedies, but the box itself poisons. Printed by James Rivington, 1775.

ADVERTISEMENT.

The writer of the ensuing sheets can, with truth, say more than the generality of those who either espouse or oppose the claim of the BRITISH PARLIAMENT; which is, that *his* political opinions have been the result of mature deliberation and rational inquiry. They have not been influenced by prejudice, nor by any interested or ambitious motives. They are not the *spawn* of licentious clamors, or popular declamation; but the genuine offspring of sober reason. To those who are inclined to doubt *his* sincerity, *he* begs leave to recommend a little more *charity*. To those who are possessed of greater candor, and who yet may be disposed to ask how *he* can be sure that his opinions have not been influenced by prejudice, *he* answers, Because he remembers the time when he had strong prejudices on the side *he* now opposes. His change of sentiment (*he* firmly believes) proceeded from the superior force of the arguments in favor of the American claims.

Though *he* is convinced there are too many whose judgments are led captive by the most venal and despicable motives, yet *he* does not presume to think every man who differs from him either fool or knave. *He* is sensible there are men of parts and virtue, whose notions are entirely contrary to his. To imagine there are not wise and good men on both sides must be the effect of a weak head or a corrupt heart. *He* earnestly entreats the candid attention of the judicious and well meaning, and hopes that what he has written may be read with as much impartiality and as sincere a regard to truth as the importance of the controversy demands.

THE FARMER REFUTED.

FEBRUARY 5, 1775.

SIR:—I resume my pen, in reply to the curious epistle you have been pleased to favor me with, and can assure you that notwithstanding I am naturally of a grave and phlegmatic disposition, it has been the source of abundant merriment to me. The spirit that breathes throughout is so rancorous, illiberal, and imperious; the argumentative part of it is so puerile and fallacious; the misrepresentation of facts so palpable and flagrant; the criticisms so illiterate, trifling, and absurd; the conceits so low, sterile, and splenetic, that I will venture to pronounce it one of the most ludicrous performances which has been exhibited to public view during all the present controversy.

You have not even imposed on me the laborious task of pursuing you through a labyrinth of subtilty. You have not had ability sufficient, however violent your efforts, to try the *depths* of *sophistry;* but have barely skimmed along its *surface*. I should almost deem the animadversions I am going to make unnecessary, were it not that without them you might exult in a fancied victory, and arrogate to yourself imaginary trophies.

But while I pass this judgment, it is not my intention to detract from your real merit. Candor obliges me to acknowledge that you possess every accomplishment of a polemical writer which may serve to dazzle and mislead superficial and vulgar minds: a peremptory, dictatorial air, a pert vivacity of expression, an inordinate passion for conceit, and a noble disdain of being fettered by the laws of truth. These, sir, are important qualifications; and these all unite in you in a very eminent degree. So that though you may never expect the plaudits of the judicious and discerning, you may console yourself with this assurance, that

> "Fools and witlings 'will' ev'ry sentence raise,[1]
> And wonder, with a foolish face of praise."

You will, no doubt, be pleased with this further concession—to wit: that there is a striking resemblance between yourself and the renowned hero of the *Dunciad*. "*Pert dulness*" seems to be the chief characteristic of your genius as well as his. I might point out a variety of circumstances in which you both agree; but I shall content myself with having given the hint, and leave it to yourself and to your

[1] The false metre would indicate that Hamilton was quoting from memory, and quoting incorrectly. The lines he had in mind are from the famous passage about Addison in Pope's epistle to Arbuthnot, and read correctly as follows:

> "While wits and templars every sentence raise,
> And wonder with a foolish face of praise."

If his idea was to modify the lines so as to make them more applicable, he ought to have made it "Witlings and fools," etc.

other[1] admirers, to prosecute a comparison, which will reflect so high lustre on the object of admiration.

Having thus briefly delivered my sentiments of your performance in general, I shall proceed to a particular examination of it, so far as may be requisite toward placing it in that just point of light in which it ought to stand. I flatter myself I shall find no difficulty in obviating the objections you have produced against the *Full Vindication*, and in showing that your *View of the Controversy between Great Britain and the Colonies* is not only partial and unjust, but diametrically opposite to the first principles of civil society. In doing this I may occasionally interweave some strictures on the *Congress Canvassed.*

First, then, I observe you endeavor to bring the imputation of inconsistency upon me, for writing "a long and elaborate pamphlet to justify decisions, against whose influence none but *impotent* attempts had been made." A little attention would have unfolded the whole mystery. The reason assigned for what I did was, "lest those attempts," impotent as they were, in a general sense, "might yet have a tendency to mislead and prejudice the minds of a few." To prevent this, I wrote; and if I have been instrumental in preserving a single person from the baneful effects of your insidious efforts, I shall not regret the time I have devoted to that laudable purpose. To confirm or to add one friend to his country, would afford a more refined and permanent

[1] If we may judge from the style and turn of thought, you were pleased to be your own admirer in the *card in reply.*

satisfaction to me than could possibly animate the breast of the proudest ministerial minion, though elevated to the pinnacle of his wished-for preferment, and basking in the sunshine of court favor as the despicable wages of his prostitution and servility.

You tell me: "I knew, that at the bar of impartial reason and common-sense the conduct of the Congress must be condemned; but was too much interested, too deeply engaged in party views and party heats, to bear this with patience. *I* had no remedy (you say) but *artifice*, *sophistry*, *misrepresentation*, and *abuse*." These you call "my weapons, and these I wield like an old experienced practitioner."

You ask: "Is this too heavy a charge? Can you lay your hand upon your heart, and upon your honor plead not guilty?" Yes, sir, I can do more. I can make a solemn appeal to the tribunal of Heaven for the rectitude of my intentions. I can affirm, with the most scrupulous regard to truth, that I am of opinion the conduct of the Congress will bear the most impartial scrutiny; that I am not interested more than as the felicity and prosperity of this vast continent are concerned; and that I am perfectly disengaged from party of every kind.

Here, I expect you will exclaim, with your usual vehemence and indecency: "You are now espousing the cause of a party! It is the most daring impudence and falsehood to assert the contrary!" I can by no means conceive, that an opposition to a small herd of malcontents, among whom you have thought proper to rank, and a zealous attachment to the general measures of America, can be denominated the

effect of a party spirit. You, sir, and your adherents may be justly deemed a faction, because you compose a small number inimical to the common voice of your country. To determine the truth of this affirmation, it is necessary to take a comprehensive view of all the colonies.

Throughout your letter, you seem to consider me as a person who has acted, and is still acting, some part in the formation and execution of public measures. You tacitly represent me as a Delegate, or member of the Committee. Whether this be done with a design to create a suspicion of my sincerity, or whether it be really your opinion, I know not. Perhaps it is from a complex motive. But I can assure you, if you are in earnest, that you are entirely mistaken. I have taken no other part in the affair than that of defending the proceedings of the Congress, in conversation, and by the pamphlet I lately published. I approved of them, and thought an undeviating compliance with them essential to the preservation of American freedom. I shall therefore strenuously exert myself for the promotion of that valuable end.

In the field of literary contention, it is common to see the epithets *artifice*, *sophistry*, *misrepresentation*, and *abuse*, mutually bandied about. Whether they are more justly applicable to you, or to me, the public must decide. With respect to abuse, I make not the least doubt but every reader will allow you to surpass me in that.

Your envenomed pen has endeavored to sully the characters of our continental representatives with the presumptuous charges of ignorance, knavery, sedition,

rebellion, treason, and tyranny — a tremendous catalogue indeed! Nor have you treated their friends and adherents with any greater degree of complaisance. You have also delineated the mercantile body as entirely devoid of principle; and the several committees, as bands of robbers and petty tyrants. In short, except the few who are of your own complexion and stamp, "the *virtuous* friends of order and good government," you have not hesitated to exercise your obloquy and malevolence against the whole continent.

These things being considered, it is manifest, that in my answer to your *Free Thoughts* I treated you with more lenity than you had a right to expect; and did by no means observe the strict law of retaliation. None but yourself will think you can, with the least propriety, complain of abuse.

I congratulate myself upon the sentiments you entertain of my last performance. Such is my opinion of your abilities as a critic, that I very much prefer your disapprobation to your applause. But with respect to the *brilliancy* of thought you speak of, give me leave to inform you, that I aimed at nothing more than justness of thought. I addressed myself to the judgment, not to the imagination. In works where fancy is predominant, as is the case with yours, there is a better opportunity for displaying brilliancy of thought than where reason presides and directs. No wonder, then, if you have excelled me in this particular, since your plan is so much more favorable to it than mine.

I shall, for the present, pass over that part of your

pamphlet in which you endeavor to establish the supremacy of the British Parliament over America. After a proper *éclaircissement* of this point, I shall draw such inferences as will sap the foundation of everything you have offered.

The first thing that presents itself is a wish, that "I had, explicitly, declared to the public my ideas of the *natural rights* of mankind. Man, in a state of nature (you say), may be considered as perfectly free from all restraint of *law* and *government;* and then, the weak must submit to the strong."

I shall, henceforth, begin to make some allowance for that enmity you have discovered to the *natural rights* of mankind. For, though ignorance of them, in this enlightened age, cannot be admitted as a sufficient excuse for you, yet it ought, in some measure, to extenuate your guilt. If you will follow my advice, there still may be hopes of your reformation. Apply yourself, without delay, to the study of the law of nature. I would recommend to your perusal, Grotius, Puffendorf, Locke, Montesquieu, and Burlemaqui. I might mention other excellent writers on this subject; but if you attend diligently to these, you will not require any others.

There is so strong a similitude between your political principles and those maintained by Mr. Hobbes, that, in judging from them, a person might very easily *mistake* you for a disciple of his. His opinion was exactly coincident with yours, relative to man in a state of nature. He held, as you do, that he was then perfectly free from all restraint of *law* and *government.* Moral obligation, according to him, is

derived from the introduction of civil society; and there is no virtue but what is purely artificial, the mere contrivance of politicians for the maintenance of social intercourse. But the reason he ran into this absurd and impious doctrine was, that he disbelieved the existence of an intelligent, superintending principle, who is the governor, and will be the final judge, of the universe.

As you sometimes swear *by Him that made you*, I conclude your sentiments do not correspond with his in that which is the basis of the doctrine you both agree in; and this makes it impossible to imagine whence this congruity between you arises. To grant that there is a Supreme Intelligence who rules the world and has established laws to regulate the actions of His creatures, and still to assert that man, in a state of nature, may be considered as perfectly free from all restraints of *law* and *government*, appears, to a common understanding, altogether irreconcilable.

Good and wise men, in all ages, have embraced a very dissimilar theory. They have supposed that the Deity, from the relations we stand in to Himself and to each other, has constituted an eternal and immutable law, which is indispensably obligatory upon all mankind, prior to any human institution whatever.

This is what is called the law of nature, "which, being coeval with mankind, and dictated by God himself, is, of course, superior in obligations to any other. It is binding over all the globe, in all countries, and at all times. No human laws are of any validity, if contrary to this; and such of them as are

valid derive all their authority, mediately or immediately, from this original."—BLACKSTONE.

Upon this law depend the natural rights of mankind: the Supreme Being gave existence to man, together with the means of preserving and beautifying that existence. He endowed him with rational faculties, by the help of which to discern and pursue such things as were consistent with his duty and interest; and invested him with an inviolable right to personal liberty and personal safety.

Hence, in a state of nature, no man had any *moral* power to deprive another of his life, limbs, property, or liberty; nor the least authority to command or exact obedience from him, except that which arose from the ties of consanguinity.

Hence, also, the origin of all civil government, justly established, must be a voluntary compact between the rulers and the ruled, and must be liable to such limitations as are necessary for the security of the *absolute rights* of the latter; for what original title can any man, or set of men, have to govern others, except their own consent? To usurp dominion over a people in their own despite, or to grasp at a more extensive power than they are willing to intrust, is to violate that law of nature which gives every man a right to his personal liberty, and can therefore confer no obligation to obedience.

"The principal aim of society is to protect individuals in the enjoyment of those absolute rights which were vested in them by the immutable laws of nature, but which could not be preserved in peace without that mutual assistance and intercourse which

is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate these *absolute rights* of individuals."—BLACKSTONE.

If we examine the pretensions of Parliament by this criterion, which is evidently a good one, we shall presently detect their injustice. First, they are subversive of our natural liberty, because an authority is assumed over us which we by no means assent to. And, secondly, they divest us of that moral security for our lives and properties, which we are entitled to, and which it is the primary end of society to bestow. For such security can never exist while we have no part in making the laws that are to bind us, and while it may be the interest of our uncontrolled legislators to oppress us as much as possible.

To deny these principles will be not less absurd than to deny the plainest axioms. I shall not, therefore, attempt any further illustration of them.

You say: "When I assert that since Americans have not, by any act of theirs, empowered the British Parliament to make laws for them, it follows they can have no just authority to do it, I advance a position subversive of that dependence which all colonies must, from their very nature, have on the mother country." The premises from which I drew this conclusion are indisputable. You have not detected any fallacy in them, but endeavor to overthrow them by deducing a false and imaginary consequence. My principles admit the only dependence which can sub-

sist, consistent with any idea of civil liberty, or with the future welfare of the British empire, as will appear hereafter.

"The dependence of the colonies on the mother country," you assert, "has ever been acknowledged. It is an impropriety of speech to talk of an independent colony. The words independent and colony convey contradictory ideas; much like *killing* and *sparing*.[1] As soon as a colony becomes independent on the parent state it ceases to be any longer a colony, just as when you *kill* a sheep you cease to *spare* him."

In what sense the dependence of the colonies on the mother country has been acknowledged, will appear from those circumstances of their political history which I shall, by and by, recite. The term colony signifies nothing more than a body of people drawn from the mother country to inhabit some distant place, or the country itself so inhabited. As to the degrees and modifications of that subordination which is due to the parent state, these must depend upon other things besides the mere act of emigration to inhabit or settle a distant country. These must be ascertained by the spirit of the constitution of the mother country, by the compacts for the purpose of colonizing, and more especially by the law of nature,

[1] I find, sir, you take a particular delight in persisting in absurdity. But if you are not totally incorrigible, the following interpretation of the unfortunate *adverb* will secure it from any future stripes. It is taken from Johnson's *Dictionary:* SPARINGLY, not abundantly, *Bacon;* 2, frugally, parsimoniously; not lavishly, *Hayward;* with abstinence, *Atterbury;* cautiously, tenderly. Substitute *frugally* or *not lavishly* for *sparingly*, and you must blush at your own conceit. "Kill your sheep *frugally* or *not lavishly*." Where is the impropriety of this?

and that *supreme law* of every society—*its own happiness.*

The idea of colony does not involve the idea of slavery. There is a wide difference between the dependence of a free people and the submission of slaves. The former I allow, the latter I reject with disdain. Nor does the notion of a colony imply any subordination to our fellow-subjects in the parent state while there is one common sovereign established. The dependence of the colonies on Great Britain is an ambiguous and equivocal phrase. It may either mean dependence on the people of Great Britain or on the king. In the former sense, it is absurd and unaccountable; in the latter, it is just and rational. No person will affirm that a French colony is independent on the parent state, though it acknowledge the king of France as rightful sovereign. Nor can it with any greater propriety be said that an English colony is independent while it bears allegiance to the king of Great Britain. The difference between their dependence is only that which distinguishes civil liberty from slavery, and results from the different genius of the French and English constitutions.

But you deny that "we can be liege subjects to the king of Great Britain while we disavow the authority of Parliament." You endeavor to prove it thus[1]: "The king of Great Britain was placed on the throne by virtue of an Act of Parliament, and he is king of America by virtue of being king of Great Britain. He is therefore king of America by Act of Parlia-

[1] *Vide* "Congress Canvassed."

ment; and if we disclaim that authority of Parliament which made him our king, we, in fact, reject him from being our king, for we disclaim that authority by which he is king at all."

Admitting that the king of Great Britain was enthroned by virtue of an Act of Parliament, and that he is king of America because he is king of Great Britain, yet the Act of Parliament is not the *efficient cause* of his being the king of America. It is only the *occasion* of it. He is king of America by virtue of a compact between us and the kings of Great Britain. These colonies were planted and settled by the grants, and under the protection, of English kings, who entered into covenants with us, for themselves, their heirs, and successors; and it is from these covenants that the duty of protection on their part, and the duty of allegiance on ours, arise.

So that to disclaim the authority of a British Parliament over us does by no means imply the dereliction of our allegiance to British monarchs. Our compact takes no cognizance of the manner of their accession to the throne. It is sufficient for us that they are kings of England.

The most valid reasons can be assigned for our allegiance to the king of Great Britain, but not one of the least force or plausibility for our subjection to parliamentary decrees.

We hold our lands in America by virtue of charters from British monarchs, and are under no obligations to the Lords or Commons for them. Our title is similar, and equal, to that by which they possess their lands; and the king is the legal fountain of both.

This is one grand source of our obligation to allegiance.

Another, and the principal source, is that protection which we have hitherto enjoyed from the kings of Great Britain. Nothing is more common than to hear the votaries of Parliament urge the protection we have received from the mother country as an argument for submission to its claims. But they entertain erroneous conceptions of the matter. The king himself, being the supreme executive magistrate, is regarded by the constitution as the supreme protector of the empire. For this purpose he is the generalissimo, or first in military command. In him is vested the power of making war and peace, of raising armies, equipping fleets, and directing all their motions. He it is that has defended us from our enemies, and to him alone we are obliged to render allegiance and submission.

The law of nature, and the British constitution, both confine allegiance to the person of the king, and found it upon the principle of protection. We may see the subject discussed at large in the case of Calvin. The definition given of it by the learned Coke is this: "Legiance is the mutual bond and obligation between the king and his subjects; whereby subjects are called his liege subjects, because they are bound to obey and serve him; and he is called their liege lord, because he is bound to maintain and defend them." Hence it is evident, that while we enjoy the protection of the king it is incumbent upon us to obey and serve him, without the interposition of parliamentary supremacy.

The right of Parliament to legislate for us cannot be accounted for upon any reasonable grounds. The constitution of Great Britain is very properly called a limited monarchy; the people having reserved to themselves a share in the legislature, as a check upon the regal authority, to prevent its degenerating into despotism and tyranny. The very aim and intention of the democratical part, or the House of Commons, is to secure the rights of the people. Its very being depends upon those rights. Its whole power is derived from them, and must be terminated by them.

It is the unalienable birthright of every Englishman, who can be considered as a *free agent*, to participate in framing the laws which are to bind him, either as to his life or property. But as many inconveniences would result from the exercise of this right in person, it is appointed by the constitution that he shall delegate it to another. Hence he is to give his vote in the election of some person he chooses to confide in as his representative. This right no power on earth can divest him of. It was enjoyed by his ancestors time immemorial, recognized and established by Magna Charta, and is essential to the existence of the constitution. Abolish this privilege, and the House of Commons is annihilated.

But what was the use and design of this privilege? To secure his life and property from the attacks of exorbitant power. And in what manner is this done? By giving him the election of those who are to have the disposal and regulation of them, and whose interest is in every respect connected with his.

The representative, in this case, is bound, by every possible tie, to consult the advantage of his constituents. Gratitude for the high and honorable trust reposed in him demands a return of attention and regard to the advancement of their happiness. Self-interest, that most powerful incentive of human actions, points and attracts toward the same object.

The duration of his trust is not perpetual, but must expire in a few years, and if he is desirous of the future favor of his constituents, he must not abuse the present instance of it, but must pursue the end for which he enjoys it, otherwise he forfeits it and defeats his own purpose. Besides, if he consent to any laws hurtful to his constituents, he is bound by the same, and must partake the disadvantage of them. His friends, relations, children, all whose ease and comfort are dear to him, will be in a like predicament. And should he concur in any flagrant acts of injustice or oppression, he will be within the reach of popular vengeance; and this will restrain him within due bounds.

To crown the whole, at the expiration of a few years, if their representatives have abused their trust, the people have it in their power to change them, and to elect others who may be more faithful and more attached to their interest.

These securities, the most powerful that human affairs will admit of, have the people of Britain for the good deportment of their representatives toward them. They may have proved, at some times, and on some occasions, defective; but, upon the whole, they have been found sufficient.

When we ascribe to the British House of Commons a jurisdiction over the colonies, the scene is entirely reversed. All these kinds of security immediately disappear; no ties of gratitude or interest remain. Interest, indeed, may operate to our prejudice. To oppress us may serve as a recommendation to their constituents, as well as an alleviation of their own incumbrances. The British patriots may, in time, be heard to court the gale of popular favor by boasting their exploits in laying some new impositions on their American vassals, and by that means lessening the burthens of their friends and fellow-subjects.

But what merits still more serious attention is this: there seems to be already a jealousy of our dawning splendor. It is looked upon as portentous of approaching independence. This, we have reason to believe, is one of the principal incitements to the present rigorous and unconstitutional proceedings against us. And though it may have chiefly originated in the calumnies of designing men, yet it does not entirely depend upon adventitious or partial causes, but is also founded in the circumstances of our country and situation. The boundless extent of territory we possess, the wholesome temperament of our climate, the luxuriance and fertility of our soil, the variety of our products, the rapidity of the growth of our population, the industry of our countrymen, and the commodiousness of our ports, naturally lead to a suspicion of independence, and would always have an influence pernicious to us. Jealousy is a predominant passion of human nature,

and is a source of the greatest evils. Whenever it takes place between rulers and their subjects, it proves the bane of civil society.

The experience of past ages may inform us, that when the circumstances of a people render them distressed their rulers generally recur to severe, cruel, and oppressive measures. Instead of endeavoring to establish their authority in the *affection* of their subjects, they think they have no security but in their *fear*. They do not aim at gaining their fidelity and obedience by making them flourishing, prosperous, and happy, but by rendering them abject and dispirited. They think it necessary to intimidate and awe them to make every accession to their own power, and to impair the people's as much as possible.

One great engine to affect this in America would be a large standing army, maintained out of our own pockets, to be at the devotion of our oppressors. This would be introduced under pretext of defending us, but, in fact, to make our bondage and misery complete.

We might soon expect the martial law, universally prevalent to the abolition of trials by juries, the *Habeas Corpus* act, and every other bulwark of personal safety, in order to overawe the honest assertors of their country's cause. A numerous train of *court dependents* would be created and supported at our expense. The value of all our possessions, by a complication of extorsive measures, would be gradually depreciated till it became a mere shadow.

This will be called too high-wrought a picture, a phantom of my own deluded imagination. The

highest eulogies will be lavished on the wisdom and justice of the British nation. But deplorable is the condition of that people who have nothing else than the wisdom and justice of another to depend upon.

"Political writers," says a celebrated author,[1] "have established it as a maxim, that, in contriving any system of government, and fixing the several checks and controls of the constitution, *every man* ought to be supposed a *knave*, and to have no other end, in all his actions, but *private interest*. By this interest we must govern him, and by means of it *make him co-operate to public good*, notwithstanding his insatiable avarice and ambition. Without this we shall in vain boast of the advantages of *any constitution*, and shall find, in the end, that we have no security for our liberties, and possessions except the *good-will* of our rulers—that is, we should have *no security at all*.

"It is therefore a just *political* maxim, that *every man must be supposed a knave*. Though, at the same time, it appears somewhat strange, that a maxim should be true in politics which is false in fact. But to satisfy us on this head, we may consider that men are generally more honest in a private than in a public capacity, and will go greater lengths to serve a party than when their own private interest is alone concerned. Honor is a great check upon mankind. But where a considerable body of men act together, this check is in a great measure removed, since a man is sure to be approved by his own party for what promotes the common interest, and he soon

[1] Hume, vol. I., essay V.

learns to despise the clamors of adversaries. To this we may add, that every court or senate, is determined by the greater number of voices; so that, if self-interest influences only the majority (as it will always do), the whole senate follows the allurements of this separate interest, and acts as if it contained not one member who had any regard to public interest and liberty." What additional force do these observations acquire when applied to the dominion of one community over another!

From what has been said, it is plain that we are without those checks upon the representatives of Great Britain which alone can make them answer the end of their appointment with respect to us—which is the preservation of the rights and the advancement of the happiness of the governed. The direct and inevitable consequence is, *they have no right to govern us.*

Let us examine it in another light. The House of Commons receives all its authority from its electors, in consequence of the right they have to a share in the legislature. Its electors are freeholders, citizens, and others, in Great Britain. It follows, therefore, that all its authority is confined to Great Britain. This is demonstrative. Sophistry, by an artful play of ambiguous terms, may perplex and obscure it, but reason can never confute it. The power which one society bestows upon any man, or body of men, can never extend beyond its own limits. The people of Great Britain may confer an authority over themselves, but they can never confer any over the people of America, because it is impossible for them to give

that to another which they never possessed themselves. Now I should be glad to see an attempt to prove that a freeholder, citizen, or any other man in Great Britain, has any inherent right to the life, property, or liberty, of a freeholder, citizen, or any other man in America. He can have no original and intrinsic right, because nature has distributed an equality of rights to every man. He can have no secondary or derivative right, because the only thing which could give him that is wanting—the consent of the natural proprietor. It is incumbent upon you to demonstrate the existence of such a right, or anything else you may produce will be of little avail. I do not expect you will be discouraged at the apparent difficulty. It is the peculiar province of an enterprising genius to surmount the greatest obstacles, and you have discovered an admirable dexterity in this way. You have put to flight some of my best arguments, with no greater pains than a few positive assertions and as many paltry witticisms; and you become altogether irresistible by adding, with a proper degree of confidence, *You know the case to be as I state it.*

When I say that the authority of Parliament is confined to Great Britain, I speak of it in its primitive and original state. Parliament may acquire an incidental influence over others, but this must be by their own free consent; for, without this, any power it might exercise would be mere usurpation, and by no means a just authority.

The best way of determining disputes and of investigating truth, is by descending to elementary

principles. Any other method may only bewilder and misguide the understanding, but this will lead to a convincing and satisfactory crisis. By observing this method, we shall learn the following truths:—

That the existence of the House of Commons depends upon the people's right to a share in the legislature, which is exercised by means of electing the members of that House. That the end and intention of this right is to preserve the life, property, and liberty of the subject from the encroachments of oppression and tyranny.

That this end is accomplished by means of the *intimate connection* of interest between those members and their constituents, the people of Great Britain.

That with respect to the people of America there is no such *intimate connection* of interest, but the contrary, and therefore that end could not be answered to them; consequently, the *end* ceasing, the *means* must cease also.

The House of Commons derives all its power from its own real constituents, who are the people of Great Britain; and that, therefore, it has no power but what they *originally* had in themselves.

That they had no original right to the life, property, or liberty of Americans, nor any acquired from their own consent, and of course could give no authority over them.

That therefore the House of Commons has no such authority.

What need is there of a multiplicity of arguments or a long chain of reasoning to inculcate these luminous principles? They speak the plainest language

to every man of common-sense, and must carry conviction where the mental eye is not bedimmed by the mist of prejudice, partiality, ambition, or avarice. Let us now see what has been offered in opposition to them.

But, by the way, let me remark, that I have levelled my battery chiefly against the authority of the House of Commons over America, because if that be proved not to exist, the dispute is at an end. The efficacy of Acts of Parliament depends upon the due authority of the respective branches to bind the different orders and ranks of the nation.

It is said that "in every government there must be a supreme absolute authority lodged somewhere. In arbitrary governments, this power is in the monarch; in aristocratical governments, the nobles; in democratical, in the people, or the deputies of their electing. Our own government being a mixture of all these kinds, the supreme authority is vested in the king, nobles, and people—*i. e.*, the King, House of Lords, and House of Commons *elected by the people.* The supreme authority extends as far as the British dominions extend. To suppose a part of the British dominions which is not subject to the power of the British legislature, is no better sense than to suppose a country, at one and the same time to be, and not to be, a part of the British dominions. If, therefore, the colony of New York is a part of the British dominions, the colony of New York is subject to, and dependent on, the supreme legislative authority of Great Britain."

This argument is the most specious of any the

advocates for parliamentary supremacy are able to produce; but when we come to anatomize and closely examine, every part of it, we shall discover that it is entirely composed of distorted and misapplied principles, together with ambiguous and equivocal terms.

The first branch is: That "in every government, there must be a supreme, absolute authority lodged somewhere." This position, when properly explained, is evidently just. In every civil society there must be a supreme power to which all the members of that society are subject, for otherwise there could be no supremacy or subordination—that is, no government at all. But no use can be made of this principle beyond matter of fact. To infer from thence, that unless a supreme, absolute authority be vested in one part of an empire over all the other parts there can be no government in the whole, is false and absurd. Each branch may enjoy a distinct, complete legislature, and still good government may be preserved everywhere. It is in vain to assert that two or more distinct legislatures cannot exist in the same state. If by the same state, be meant the same individual community, it is true. Thus, for instance, there cannot be two supreme legislatures in Great Britain, nor two in New York. But if by the same state be understood a number of individual societies or bodies politic united under one common head, then I maintain that there may be one distinct, complete legislature in each. Thus there may be one in Great Britain, another in Ireland, and another in New York; and still these several parts may form but one state. In order to

do this there must indeed be some connecting, pervading principle; but this is found in the person and prerogative of the king. He it is that conjoins all these individual societies into one great body politic. He it is that is to preserve their mutual connection and dependence, and make them all cooperate to one common end—the general good. His power is equal to the purpose, and his interest binds him to the due prosecution of it.

Those who aver that the independency of America on the British Parliament implies two sovereign authorities in the same state, deceive themselves, or wish to deceive others, in two ways: by confounding the idea of the same state with that of the same individual society; and by losing sight of that share which the king has in the sovereignty, both of Great Britain and America. Perhaps, indeed, it may with propriety be said that the king is the only sovereign of the empire. The part which the people have in the legislature may more justly be considered as a limitation of the sovereign authority, to prevent its being exercised in an oppressive and despotic manner. Monarchy is universally allowed to predominate in the constitution. In this view, there is not the least absurdity in the supposition, that Americans have a right to a limitation similar to that of the people of Great Britain. At any rate, there can never be said to be two sovereign powers in the same state, while *one common king* is acknowledged by every member of it.

Let us, for a moment, imagine the legislature of New York independent on that of Great Britain.

Where would be the mighty inconvenience? How would government be frustrated or obstructed by this means? In what manner would they interfere with each other? In none that I can perceive. The affairs of government might be conducted with the greatest harmony, and by the mediation of the king directed to the same end. He (as I before observed) will be the great connecting principle. The several parts of the empire, though otherwise independent on each other, will all be dependent on him. He must guide the vast and complicated machine of government, to the reciprocal advantage of all his dominions. There is not the least contradiction in this; no *imperium in imperio*, as is maintained: for the power of every distinct branch will be limited to itself, and the authority of his Majesty over the whole will, like a central force, attract them all to the same point.

The second part of your paragraph is this: "In arbitrary governments this (supreme absolute) power is in the monarch; in aristocratical governments, in the nobles; in democratical, in the people, or the deputies of their electing. Our own government, being a mixture of all these kinds, the supreme authority is vested in the king, nobles, and people—that is, in the King, House of Lords, and House of Commons elected by the people."

You are mistaken when you confine arbitrary government to a monarchy. It is not the supreme power being placed in one, instead of many, that discriminates an arbitrary from a free government. When any people are ruled by laws, in framing which they have no part, that are to bind them, to all in-

tents and purposes, without, in the same manner, binding the legislators themselves, they are, in the strictest sense, slaves; and the government, with respect to them, is despotic. Great Britain is itself a free country, but it is only so because its inhabitants have a share in the legislature. If they were once divested of that they would cease to be free. So that, if its jurisdiction be extended over other countries that have no actual share in its legislature, it becomes arbitrary to them, because they are destitute of those checks and controls which constitute that *moral* security which is the very essence of civil liberty.

I will go farther and assert that the authority of the British Parliament over America would, in all probability, be a more intolerable and excessive species of despotism than an absolute monarchy.[1] The power of an absolute prince is not temporary, but perpetual. He is under no temptation to purchase the favor of one part of his dominions at the expense of another, but it is his interest to treat them all upon the same

[1] Mr Hume, in enumerating these political maxims, which will be eternally true, speaks thus: "It may easily be observed, that though free governments have been commonly the most happy, for those who partake of their freedom, yet are they most ruinous and oppressive to *their provinces*." He goes on to give many solid reasons for this; and, among other things, observes, that "a free state necessarily makes a great distinction (between herself and the provinces), and must continue to do so, till men learn to love their neighbors as well as themselves." He confirms his reflections by many historical facts, and concludes them thus: "Compare the *pais conquis* of France with Ireland, and you will be convinced of this truth; though this latter kingdom, being in a good measure peopled from England, possesses so many rights and privileges as should naturally make it challenge better treatment."

footing. Very different is the case with regard to the Parliament. The Lords and Commons, both, have a private and separate interest to pursue. They must be wonderfully disinterested, if they would not make us bear a very disproportional part of the public burthens, to avoid them as much as possible themselves. The people of Britain must, *in reality*, be an order of superior beings, not cast in the same mould with the common degenerate race of mortals, if the sacrifice of our interest and ease to theirs be not extremely welcome and alluring. But should experience teach us that they are only mere mortals, fonder of themselves than their neighbors, the philanthropy and integrity of their representatives will be of a transcendent and matchless nature, should they not gratify the natural propensities of their constituents, in order to ingratiate themselves and enhance their popularity.

When you say that "our government being a mixture of all these kinds, the supreme authority is vested in the king, nobles, and *people*—that is, the King, House of Lords, and House of Commons *elected by the people*," you speak unintelligibly. A person who had not read any more of your pamphlet than this passage, would have concluded you were speaking of our Governor, Council, and Assembly, whom, by a rhetorical figure, you styled "king, nobles, and people." For how could it be imagined you would call any government *our own*, with this description, that it is vested in the king, nobles, and *people*, in which *our own people* have not the *least share?* If our own government be vested in the king, nobles, and people,

how comes it to pass that *our own* people have no part in it? The resolution of these questions will afford a proper field in which to display your ingenuity. You must endeavor to transmute the people of America into those of Great Britain, or your description will be considered as mere jargon by every man of sense. Perhaps you may be able, in imitation of that celebrated sophist Spinosa, to prove that they are only *modally* different, but *substantially* the same. Or, if you please, that syllogism of the schools, by which a *man* is proved a *horse*, may serve as an excellent model. If I recollect right, it is in these words:

Homo est animal;
Equus est animal;
Ergo, homo est equus,—

which is rendered thus: A man is an *animal;* A horse is an *animal; Therefore, a man is a horse.* By the same method of argumentation, you may prove that, as Britons and Americans are *generically* the same, they are *numerically* so, likewise, as your description implies. You may form a syllogism thus:

Britons are men;
Americans are the *same;*
Therefore, Britons and Americans are the *same.*

This argument will be as good as the one I am next going to examine.

"The supreme authority," you say, "extends as far as the *British* dominions extend. To suppose a part of the *British* dominions which is not subject to the power of the British legislature, is no better sense than to suppose a country at one and the same time

to be, and not to be, a part of the *British* dominions. If, therefore, the colony of New York be a part of the *British* dominions, the colony of New York is subject and dependent on the supreme legislative authority of Great Britain."

By "this supreme authority," I suppose you mean the Parliament of Great Britain. I deny that it extends as far as the *British* dominions extend, and I have given many substantial reasons for this denial, whereas you have never offered any to prove that it does. You have begged the question, and taken that for granted which is the very point in debate. As to your general position, that there must be a supreme, absolute authority lodged somewhere, I have explained in what sense it ought to be understood, and shown that the several parts of the empire may each enjoy a separate, independent legislature with regard to each other, under one common head, the king.

The seeming proof you have subjoined is entirely fallacious, and depends upon the use of the terms *British* dominions and *British* legislature in an *equivocal* sense. The former may signify countries subject either to the *king* or to the *legislature* of Great Britain. When we say French dominions, we mean countries subject to the king of France. In like manner, when we say British dominions, the most proper signification is, countries subject to the king of Great Britain. At least there is no impropriety in using it in this sense.[1]

[1] Or, if there is, all your objection amounts to this: that we have adopted an improper mode of expression; and, for the future, we may, in the language of the honorable House of Assembly, call the colonies his Majesty's American dominions.

If by the British legislature you mean nothing more than the Parliament of Great Britain, it is well; but if you affix a different idea to it, you are not *arbitrarily* to impose it upon others. If there be any *chimera* in your fond imagination which you express by that term, you must allow others to think it such. In short, if by the term you mean an authority resident in one part of his Majesty's dominions to make laws for every other part of them, you ought not to apply it in this sense till you have proved that such an authority does really exist; especially in a controversy about that very matter.

By the British dominions I mean the countries subject to his Britannic Majesty, in his royal capacity. By the British legislature I will suppose you intend simply the Parliament of Great Britain. Let us now try whether "to suppose there may be a part of his Britannic Majesty's dominions which is not subject to the Parliament be no better sense than to suppose a country, at one and the same time to be, and not to be, a part of the British dominions." It is impossible for any thing *to be* and *not to be;* but it involves no contradictions to say that a country may be in subjection to his Britannic Majesty and, in that sense, a part of the British dominions, without being at all dependent on the Parliament of Great Britain.[1] The

[1] I doubt not you will here be disposed to cavil, by urging that if we deny the authority of Parliament we also reject his Britannic Majesty, since he composes a part of it; but let it be considered that the Parliament, as such, is a political institution, not a *physical* being. We may deny his Majesty, in his political capacity, as a part of the legislature of Great Britain, and yet acknowledge him in a similar political capacity, as a part of the legislature of New York. This is an obvious distinction, and cannot be contested without an affront to common-sense.

colony of New York, therefore, may be a branch of the British empire, though not subordinate to the legislative authority of Britain.

Upon the whole, if by the British dominions you mean territories subject to the Parliament, you adhere to your usual fallacy, and suppose what you are bound to prove. I deny that we are dependent on the legislature of Great Britain; and yet I maintain that we are a part of the British empire—but in this sense only, as being the freeborn subjects of his Britannic Majesty.

Thus I have fully examined that argument, which is esteemed the bulwark of the doctrine of parliamentary supremacy, and, I flatter myself, clearly refuted it. The main pillar being now broken down, the whole structure may easily be demolished. I shall, therefore, proceed with alacrity in the completion of the work. But it is worthy of observation that a cause must be extremely weak which admits of no better supports.

Your next argument (if it deserve the name) is this: "Legislation is not an inherent right in the colonies; many colonies have been established and subsisted long without it. The Roman colonies had no legislative authority. It was not till the latter period of their republic that the privileges of Roman citizens, among which that of voting in assemblies of the people at Rome was the principal one, were extended to the inhabitants of Italy. All the laws of the empire were enacted at Rome. Neither their colonies nor conquered countries had any thing to do with legislation."

The fundamental source of all your errors, sophisms, and false reasonings, is a total ignorance of the natural rights of mankind. Were you once to become acquainted with these, you could never entertain a thought, that all men are not, by nature, entitled to a parity of privileges. You would be convinced that natural liberty is a gift of the beneficent Creator to the whole human race, and that civil liberty is founded in that, and cannot be wrested from any people without the most manifest violation of justice. *Civil liberty is only natural liberty, modified and secured by the sanctions of civil society.* It is not a thing, in its own nature, precarious and dependent on human will and caprice, but it is conformable to the constitution of man, as well as necessary to the *well-being* of society.

Upon this principle colonists, as well as other men, have a right to civil liberty. For if it be conducive to the happiness of society (and reason and experience testify that it is), it is evident that every society, of whatsoever kind, has an absolute and perfect right to it, which can never be withheld without cruelty and injustice. The practice [1] of Rome toward her colonies cannot afford the shadow of an argument against this. That mistress of the world was often unjust. And the treatment of her dependent provinces is one of the greatest blemishes in her history. Through the want of that civil liberty for which we are so

[1] If her practice proves any thing, it equally proves that she had a right to plunder them as much as possible. This doctrine, I presume, will not be disagreeable to some ears. There are many who would rejoice to see America plundered in a like manner, provided they could be appointed the instruments.

warmly contending, they groaned under every species of wanton oppression. If we are wise we shall take warning from thence, and consider a like state of dependence as more to be dreaded than pestilence and famine.

The right of colonists, therefore, to exercise a legislative power, is an inherent right. It is founded upon the rights of all men to freedom and happiness. For civil liberty cannot possibly have any existence where the society for whom laws are made have no share in making them, and where the interest of their legislators is not inseparably interwoven with theirs. Before you asserted that the right of legislation was derived "from the indulgence or grant of the parent state," you should have proved two things: that all men have not a natural right to freedom; and that civil liberty is not advantageous to society.

"The position," you say, "that we are bound by no laws but those to which we have assented, either by ourselves or by our representatives, is a novel position, unsupported by any authoritative record of the British constitution, ancient or modern. It is republican in its very nature, and tends to the utter subversion of the English monarchy.

"This position has arisen from an artful change of terms. To say that an Englishman is not bound by any laws but those to which the representatives of the nation have given their consent, is to say what is true. But to say that an Englishman is bound by no laws but those to which he hath consented, in person, or by *his* representatives, is saying what never was true and never can be true. A great part

of the people have no vote in the choice of representatives, and therefore are governed by laws to which they never consented, either by themselves or by *their* representatives."

The foundation of the English constitution rests upon this principle: that no laws have any validity or binding force without the consent and approbation of the *people*, given in the persons of *their* representatives, periodically elected by *themselves*. This constitutes the democratical part of the government.

It is also undeniably certain, that no Englishman who can be deemed *a free agent* in a *political* view can be bound by laws to which he has not consented, either in person or by *his* representative. Or, in other words, every Englishman (exclusive of the mercantile and trading part of the nation) who possesses a freehold to the value of forty shillings per annum has a right to share in the legislature, which he exercises by giving his vote in the election of some person he approves of as his representative.

"The true reason," says Blackstone, "of requiring any qualification with regard to property in voters, is to exclude such persons as are *in so mean a situation* that they are esteemed to have *no will* of their own. If these persons had votes, they would be tempted to dispose of them under some undue influence or other. This would give a great, an artful, or a wealthy man a larger share in elections than is consistent with general liberty. If it were probable that every man would give his vote freely and without influence of any kind, then, upon the true theory and genuine principles of liberty, every member of the community,

however poor, should have a vote in electing these delegates, to whose charge is committed the disposal of his property, his liberty, and his life. But since that can hardly be expected in persons of indigent fortunes, or such as are under the immediate dominion of others, all popular states have been obliged to establish certain qualifications, whereby some who are suspected to have no will of their own are excluded from voting, in order to set other individuals, whose wills may be supposed independent, more thoroughly upon a level with each other."

Hence, it appears that such "of the people as have no vote in the choice of representatives, and therefore are governed by laws to which they have not consented, either by themselves or by their representatives," are only those "persons who are *in so mean a situation* that they are esteemed to have *no will* of their own." Every *free agent*, every free man, possessing a freehold of forty shillings per annum, is, by the British constitution, entitled to a vote in the election of those who are invested with the disposal of his life, his liberty, and property.

It is therefore evident, to a demonstration, that unless a *free agent* in America be permitted to enjoy the same privilege, we are entirely stripped of the benefits of the constitution, and precipitated into an abyss of slavery. For we are deprived of that immunity which is the grand pillar and support of freedom. And this cannot be done without a direct violation of the constitution, which decrees to every *free agent* a share in the legislature.

It deserves to be remarked here, that those very

persons in Great Britain who are *in so mean a situation* as to be excluded from a part in elections, are in more eligible circumstances than they would be in who have every necessary qualification.

They compose a part of that society to whose government they are subject. They are nourished and maintained by it, and partake in every other emolument for which they are qualified. They have, no doubt, most of them, relations and connections among those who are privileged to vote and by that means are not entirely without influence in the appointment of their rulers. They are not governed by laws made expressly and exclusively for them, but by the general laws of their country, equally obligatory on the legal electors and on the law-makers themselves. So that they have nearly the same security against oppression which the body of the people have.

To this we may add, that they are only under a conditional prohibition, which industry and good fortune may remove. They may, one day, accumulate a sufficient property to enable them to emerge out of their present state. Or, should they die in it, their situation is not entailed upon their posterity by a fixed and irremediable doom. They, agreeably to the ordinary vicissitudes of human affairs, may acquire what their parents were deficient in.

These considerations plainly show that the people in America, of all ranks and conditions, opulent as well as indigent (if subjected to the British Parliament), would be upon a less favorable footing than that part of the people of Great Britain who are *in*

so mean a situation that they are supposed to have no will of their own. The injustice of this must be evident to every man of common-sense.

I shall now proceed to take such a survey of the political history of the colonies as may be necessary to cast a full light upon their present contest and at the same time, to give the public a just conception of the profound and comprehensive knowledge you have of the dispute, the fairness and candor with which you have represented facts, and the immaculate purity of your intentions.

But previous to this, the following observations may not be destitute of utility.

His Holiness the Pope, by virtue of being Christ's Vicegerent upon earth, piously assumed to himself a right to dispose of the territories of infidels as he thought fit. And in process of time all Christian princes learned to imitate his example, very liberally giving and granting away the dominions and property of Pagan countries. They did not seem to be satisfied with the title which Christianity gave them to the next world only, but chose to infer from thence an exclusive right to this world also.

I must refer it to sounder casuists than I am to determine concerning the consistency or justice of this principle. It is sufficient for my purpose to observe that it is the only foundation upon which Queen Elizabeth and her successors undertook to dispose of the lands in America. Whatever right, therefore, we may suppose to have existed, it was vested entirely in the crown; the nation had no concern in it. It is an invariable maxim, that every acquisition of foreign

territory is at the absolute disposal of the king; and unless he annex it to the realm, it is no part of it; and if it be once alienated, it can never be united to it without the concurrence of the proprietors.

Were there any room to doubt that the sole right of the territories in America was vested in the crown, a convincing argument might be drawn from the principle of English *tenure*. By means of the *feudal* system the king became, and still continues to be, in a legal sense, the original proprietor, or lord paramount, of all the lands in England.[1] Agreeably to this rule, he must have been the original proprietor of all the lands in America, and was therefore authorized to dispose of them in what manner he thought proper.

The great inquiry, therefore, is concerning the terms on which these lands were really dispensed.

"The first charter granted by the crown for the purpose of colonization, is" not "that of King James the First to the two Virginia companies," as you assert. Previous to that there was one from Queen Elizabeth to Sir Walter Raleigh, for all the territory he might discover and plant between the thirty-third and fortieth degrees of north latitude which was not actually possessed by any Christian prince or inhabited by any Christian people; to have, hold, occupy, and enjoy the same, to him, his heirs and assigns for ever, with all *prerogatives*, *jurisdictions*, *royalties*, *privileges*, *franchises*, thereunto belonging, by sea or land; only reserving to herself, her heirs and successors, the fifth part of all gold and silver *ore* that might be acquired in those regions.

[1] See Blackstone, vol. I.

By this grant, Queen Elizabeth relinquished the whole legislative and executive power to Sir Walter, upon no other condition than simple homage, and the above-mentioned fifth part of gold and silver ore; which shows that the crown considered itself as invested with the absolute and entire disposal of the territories in America, and the passive conduct of the nation declares its acquiescence in the same.

After many successless efforts to plant a colony in Virginia, this charter was forfeited and abrogated by the attainder of Sir Walter Raleigh; and then succeeded that of King James the First to the two Virginia companies, dated the 10th of April, 1606. This was afterward altered and improved by a second charter, issued in 1609. There was also a third, dated March 12, 1611-12. The mention of this last would not have answered your purpose, and therefore you chose to pass it over in silence.

In neither of these three is there the least reservation made of any authority to Parliament. The colonies are considered in them as entirely without the realm, and, consequently, without the jurisdiction of its legislature.

In the first charter from King James there are the following clauses:

"We do ordain, establish, and decree, etc., that each of the said colonies shall have a council, which shall govern and order all matters and all causes which shall arise, grow, or happen to or within the same, according to such *laws*, *ordinances* and *instructions*, as shall be, in that behalf, given and signed

with our hand, or sign manual, and pass under the privy seal of our realm of England.

"And that, also, there shall be a council established here in England, which shall consist of thirteen persons, to be for that purpose appointed; which shall have the superior managing and directing *only* of, and for, all matters, that shall or may concern the government of the said several colonies."

"Also, we do for us, our heirs, etc., declare, that all and every the persons, being our subjects, which shall dwell and inhabit within every, or any, the said several colonies, and every of their children which shall happen to be born within any of the said several colonies, shall have and enjoy all *liberties, franchises,* and *immunities* within any of our *other* dominions, to all intents and purposes, *as if they had been abiding and born within our realm of England.*"

This latter declaration (to which there is one correspondent, or similar, in every American grant) plainly indicates that it was not the royal intention to comprise the colonies within the realm of England. The powers committed to the two councils demonstrate the same, for they would be incompatible with the idea of any other than distinct states.

The king could neither exercise, himself, nor empower others to exercise, such an authority as was really vested in the council, without a breach of the constitution, if the colonies had been a part of the realm, or within the jurisdiction of Parliament. Such an exertion of power would have been unconstitutional and illegal, and of course inadmissible, but we find it was never called in question by the legislature,

and we may conclude from thence that America was universally considered as being without the jurisdiction of Parliament.

The second charter explains and amplifies the privileges of the company, erecting them into "one body or commonalty perpetual," and confirming to them the property of their former territories, with the addition of all the islands lying within one hundred miles of the shores of both seas; together with all "*commodities*, *jurisdictions*, *royalties*, *privileges*, *franchises*, and *pre-eminences*," to be held by the king, his heirs and successors, "in free and common soccage." They were only to pay one fifth part of all the gold and silver ore they might find, in lieu of all *services*.

Their government was vested in a council, first appointed by the king; which, upon every necessary occasion, was to be summoned together by the company's treasurer. But immediately after the persons appointed are named in the charter, it is declared, that "the said council and treasurer, or any of them, shall be henceforth *nominated*, *chosen*, *continued*, *displaced*, *changed*, *altered*, or *supplied*, as death or other several occasions shall require, *out of* the company of the said adventurers, by the *voice* of the greater part of the said company and adventurers," every member newly elected to be sworn into office by the Lord Chancellor.

This council had "full power and authority to make, ordain, and establish all manner of *orders*, *laws*, *directions*, *instructions*, *forms*, and *ceremonies* of government and magistracy fit and necessary for and

concerning the government of the said colony; and the same to abrogate, revoke, or change, at all times, not only within the precincts of the said colony, but also on the seas, in going or coming to or from said colony."

This charter is also silent with respect to Parliament, the authority of which is evidently precluded by the whole tenor of it.

You, sir, took no notice of the circumstance that the council was to be *nominated, chosen, continued, etc., out of* the Virginia company itself, agreeably to the voice of the majority. You omitted this, and gave quite a different turn to the matter; but herein you acted not at all discordant with your usual practice. Nor did you esteem it politic to transcribe the following clause: "that the said company, and every of them, their factors and assigns, shall be free of all subsidies and customs in Virginia, for the space of one and twenty years, *and from all taxes and impositions forever*, upon any goods or merchandises, at any time or times hereafter, either upon importation thither or exportation from thence."

The third charter is a still farther enlargement of their territory and privileges, and is that by which their present form of government is modelled. The following extract will show the nature of it: "We do hereby ordain and grant, that the said treasurer and company of adventurers and planters aforesaid shall and may, once every week, and oftener, at their pleasure, hold and keep a court or assembly, for the better order and government of the said plantation; and that any five persons of our council for the time

being, of which company the treasurer, or his deputy, to be always one, and the number of fifteen persons, at the least, of the generality of the said company assembled together in such a manner as hath been heretofore used and accustomed, shall be reputed to be, and shall be, a sufficient court for the handling, ordering, and dispatching of all such casual and particular occurrences, as shall, from time to time, happen, touching and concerning the said plantation. And, nevertheless, for the handling, ordering, and disposing of the matters and affairs of greater weight and importance, such as shall, *in any sort*, concern the public weal and the general good of the said plantation, as, namely, the *manner of government*, from time to time, to be used, the ordering and disposing of the lands and possessions, and the *settling and establishing of a trade there*, or such like, there shall be held and kept, every year *for ever*, one great general and solemn assembly. In all and every of which said great and general courts, so assembled, our will and pleasure is, and we do, for us, our heirs and successors for ever, give and grant to the said treasurer and company, or the greater number of them, so assembled, that they shall and may have full power and authority, from time to time, and at all times hereafter, to *elect* and *choose* discreet persons to be of our said council, for the first colony of Virginia; and to nominate and appoint such officers as they shall think fit and requisite for the government, managing, ordering, and dispatching of the affairs of the said company; and shall likewise have full power and authority to ordain and make such laws and

ordinances for the good and welfare of the said plantation as to them, from time to time, shall be thought requisite and meet; *so always, as the same be not contrary to the laws and statutes of this our realm of England.*"

By this charter, King James divested himself wholly both of the legislative and executive authority, but, for his own security, prescribed a model for their civil constitution. Their laws were not to be *contrary* to the laws and statutes of his realm of England; which restriction was inserted into all the subsequent charters, with some little variation, such as, that their laws should be "consonant to reason, and not repugnant, or contrary, but, *as near as conveniently may be*, agreeable to the laws, statutes, and rights of this our kingdom of England."

This mode of expression, so indefinite in itself, shows that the use made of the clause by some ministerial advocates, is by no means natural or warrantable. It could only be intended to set forth the British constitution as a pattern for theirs; and accordingly we find, that upon the arrival of Sir George Yardly in Virginia, soon after this patent was procured, the government was regulated upon a new plan, that it might "resemble the British constitution, composed of two Houses of Parliament and a sovereign. The number of the council was increased, intending this body should represent the House of Lords, while the House of Commons was composed of burgesses, assembled from every plantation and settlement in the country."

There might be a great dissimilarity between the laws of Virginia and those of Great Britain, and yet not an absolute contrariety; so that the clause in question is not explicit or determinate enough to authorize the conclusion drawn from it. Besides, if the colonies were within the realm of England there would be no necessity for any provision in favor of its laws; and if they were without (as is clearly implied by the clause itself), it must be a contradiction to suppose its jurisdiction could extend beyond its own limits.

But the true interpretation may be ascertained, beyond a doubt, by the conduct of those very princes who granted the charters. They were certainly the best judges of their own intention, and they have left us indubitable marks of it.

In April, 1621, about nine years after the third Virginia charter was issued, a bill was introduced into the House of Commons, for indulging the subjects of England with the privilege of fishing upon the coast of America; but the House was informed by the Secretary of State, by order of his Majesty King James, that "*America was not annexed to the realm, and that it was not fitting that Parliament should make laws for those countries.*"

In the reign of his successor, Charles the First (who granted the Massachusetts and Maryland charters), the same bill was again proposed in the House, and was, in the like manner, refused the royal assent, with a similar declaration that "it was unnecessary, that the colonies *were without the realm and jurisdiction of Parliament*"; circumstances

which evidently prove that these clauses were not inserted to render the colonies dependent on the Parliament, but only (as I have observed) to mark out a model of government for them. If, then, the colonies were, at first, *without the realm and jurisdiction of Parliament*, no human authority could afterward alter the case, without their own voluntary, full, and express approbation.

The settlement of New England was the next in succession, and was instigated by a detestation of civil and ecclesiastical tyranny. The principal design of the enterprise was to be emancipated from their sufferings, under the authority of Parliament and the laws of England. For this purpose, the Puritans had before retired to foreign countries, particularly to Holland. But Sir Robert Naughton, Secretary of State, having remonstrated to his Majesty concerning the impolicy and absurdity of dispeopling his own dominions by means of religious oppression, obtained permission for the Puritans to take up their abode in America, where they found an asylum from their former misfortunes.

Previous to their embarkation at Holland, they had stipulated with the Virginia Company [1] for a tract of land in *contiguity* with Hudson's River; but when they arrived in America (by some misconduct of the pilot), they found themselves at Cape Cod, which was without the boundaries of the Virginia patent. There the season compelled them to remain, and there they have prosecuted their settlements.

[1] This was after they had received their third charter.

They looked upon themselves as having reverted to a state of nature, but being willing still to enjoy the protection of their former sovereign, they executed the following instrument:

"In the name of God, Amen! We, whose names are underwritten, the loyal subjects of our dread Sovereign Lord, King James, of Great Britain, etc., *King*,[1] Defender of the Faith, etc., having undertaken for the glory of God, and the advancement of the Christian faith, and the honor of our *King* and country, a voyage to plant the first colony in the northern part of Virginia, do, by these presents, mutually, in the presence of God and one another, covenant and combine ourselves together into a civil body politic, for our better order and preservation, and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and officers, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.

"In witness whereof we have hereunto subscribed our names, at Cape Cod, November 11, 1620."

This was the original constitution of New Plymouth. It deserves to be remarked here, that

[1] This ought to silence the infamous calumnies of those who represent the first settlers in New England as enemies to kingly government, and who are, in their own opinions, wondrous witty, by retailing the idle and malicious stories that have been propagated concerning them; such as their having erased *King*, *Kingdom*, and the like, out of their Bibles, and inserted in their stead, Civil Magistrate, Parliament, and Republic.

these first settlers possessed their lands by the most equitable and independent title, that of a fair and honest purchase from their natural owners, the Indian tribes. King James soon after erected a council at Plymouth, in the county of Devon, "for the planting, ruling, ordering, and governing of New England in America"; and granted to "them, their successors and assigns, all that part of America, lying, and being in breadth, from forty degrees of north latitude from the equinoctial line, to the forty-eighth degree of the said northerly latitude, inclusively, and in length of, and within all the breadth aforesaid, throughout all the main land, from sea to sea, together with all the firm lands, soils, grounds, havens, ports, rivers, waters, fishings, minerals, precious stones, quarries, and all and singular other commodities, *jurisdictions, royalties, privileges, franchises, and pre-eminences*, both within the said tract of land upon the main, and also within the islands and seas adjacent,—to be held of his Majesty, his heirs and successors, in free and common soccage; and the only consideration to be the fifth part of all gold and silver ore, for and in respect *of all and all manner of duties, demands, and services.*"

This council was vested with the sole power of legislation; the election and appointment of all officers, civil and military; authority to coin money, make war and peace, and a variety of other signal privileges. The colony of New Plymouth was comprehended within the grant. In consequence of which, its inhabitants, a few years after, purchased the claim of the patentees, with all their rights and

immunities, and became an independent state by charter.

The same motives that induced the settlement of New Plymouth did also produce that of Massachusetts. It was first colonized by virtue of a patent from the council at Plymouth, and in a year after by a charter from King Charles the First dated the 4th of March, in the fourth year of his reign; by which the adventurers and inhabitants were formed into "one body politic and corporate, by the name of the Governor and Company of the Massachusetts Bay, in New England," and clothed with powers and privileges resembling those of the colony of New Plymouth.

It happened some time before this, that there was a dissolution of the Virginia Company by a royal proclamation dated 15th of July, 1624, by which the colony became more immediately dependent on the king. The Virginians were greatly alarmed at this, and forthwith presented a remonstrance to the Throne; in which they signified an apprehension of "designs formed against their rights and privileges." In order to banish their fears, the Lords of the Council (in a letter dated the 22d of July, 1634) gave them an assurance, by his Majesty's direction, "that all their *estates*, *trade*, *freedom*, and *privileges*, should be enjoyed by them in as extensive a manner as they enjoyed them before the recall of the company's patent." Agreeably to this, their former constitution was confirmed and continued.

The Maryland charter is the next in order, of which you, sir, have made no mention. It was

granted by King Charles the First to Lord Baltimore, and contains such ample and exalted privileges, that no man in his senses can read it without being convinced it is repugnant to every idea of dependence on Parliament.

It bestows on him "all the country of Maryland, and the islands adjacent, together with all their commodities, *jurisdictions*, *privileges*, *prerogatives*, *royal rights*, etc., etc., of what kinds soever, as well by sea as land; and constitutes him, his heirs and assigns, true and absolute lords and proprietaries of the said country, and of all the premises aforesaid, saving always the faith and allegiance and the sovereign dominion, due to *himself*, his heirs and successors,—to be holden of the Kings of England, in free and common soccage, by *fealty only*, and not *in capite;* paying two Indian arrows every year, and also the fifth part of all gold and silver ore which shall from time to time happen to be found: Granting also full and absolute power to the said Lord Baltimore, his heirs, etc., to ordain, make, enact, and publish *any laws whatsoever*, *by* and *with* the *advice*, *assent*, and *approbation* of the *freemen* of the said province, or the greater part of them, or of *their delegates* or *deputies*, *whom*, for the enacting of the said laws, when, and as often as need shall require, we will, that the said now Lord Baltimore, and his heirs, shall assemble in such sort and form as to him and *them* shall seem best. Provided, nevertheless, that the said laws be consonant to reason, and be not repugnant, or contrary, but, *as near as conveniently may be*, agreeable to the

laws, statutes, and rights of this our kingdom of England."

In another place it is ordained that he, the "said Lord Baltimore, *may, from time to time for ever*, have and enjoy the customs and subsidies within the said ports, harbors, etc., within the province aforesaid, payable or due for *merchandises* and *wares* there to be laden and unladen; the said *subsidies* and *customs* to be reasonably assessed (upon any occasion) by *themselves* and the *people there*, as aforesaid, to whom we give power by these presents, for us, our heirs and successors, upon just cause and in due proportion, to assess and impose the same."

I confine myself to these extracts to avoid prolixity, and pass over the enumeration of those many extensive prerogatives this charter confers: such as the appointment of all officers, civil and military; the power of making war and peace; the establishment of *boroughs* and *cities;* with all necessary immunities, and the like.

In the fourteenth year of Charles the Second, the two colonies, Connecticut and New Haven, petitioned the king to unite them into one colony, which was complied with. Privileges, as valuable and extensive as any that had been before granted, were comprised in their charter. There was only a reservation of allegiance to the king, without the smallest share of the legislative or executive power. The next year, Providence and Rhode Island procured a charter, with privileges exactly correspondent to those of Connecticut.

You are pleased to assert, "that the charters of

Rhode Island and Connecticut are simply matters of incorporation"; and produce an extract in confirmation of this assertion.

I should be astonished at so extraordinary a deviation from truth, if there were not many instances similar to it. Not only the whole tenor of their charters, but their constant practice and form of government hitherto, declare the reverse of your assertion. But, that I may not unnecessarily prolong this letter by a quotation of the different parts of the respective charters, give me leave to present you with an account of the constitution of these colonies, which was laid before the House of Lords in January, 1734.

"Connecticut and Rhode Island," say the Commissioners of Trade and Plantations, "are charter governments, where almost the whole power of the crown is delegated to the people, who make annual election of their Assembly, their Councils, and their Governors; likewise to the majority of which Assemblies, Councils, and Governors, respectively, being collective bodies, the power of making laws is granted; and, as their charters are worded, they can, and do, make laws, even without the Governor's assent, no negative voice being reserved to them, as Governors, in said charters. These colonies have the power of making laws for their better government and support; and are not under any obligation, by their respective constitutions, to return authentic copies of their laws to the crown, for approbation or disallowance; nor to give any account of their proceedings; nor are their laws repealable by the crown;

but the validity of them depends upon their not being contrary, but, *as nearly as may be*, agreeable to the laws of England."

As to the expression, as *other* our liege people of this our realm of England, or any *other* corporation or body politic within the same, if any stress be laid on the particle *other*, it will imply not only that the colonies were simple matters of corporation, but that the inhabitants of them were considered as being within the realm of England. But this cannot be admitted as true without contradicting other clauses of the same charters. Thus, in the preamble to that of Rhode Island, it is said that the first planters "did, by the consent of our royal progenitors, transport themselves *out* of this kingdom of England *into* America." And in each of the charters the king stipulates that all the children born in America shall enjoy "all the liberties and immunities of free and natural subjects, within any of his dominions, as *if* they and every of them *were* born within the realm of England."

The vague and improper manner in which this particle is used in many other places of the several charters will not allow it the least weight in the present instance. In the eleventh article of the third Virginia charter there is this expression: "All such, and so many of our loving subjects, or any *other* strangers that will," etc. The same rule of inference that makes Rhode Island and Connecticut simple corporations, will also transform the king's loving subjects into mere strangers, which I apprehend cannot be done without some degree of absurdity.

In the fifteenth year of Charles the Second, Carolina was erected into a principality. A patent dated March 24, 1663, was granted to eight lord proprietors, vesting them with all its rights, privileges, prerogatives, royalties, etc., and the whole legislative and executive authority, together with the power of creating a nobility. The form of government was determined by a compact between the people and the proprietors, which contained one hundred and twenty articles; and "these were to be and remain the sacred and unalterable rule and form of government in Carolina for ever." A Palatine was to be erected from among the proprietaries, who was to govern the principality during his life; and at his demise, the surviving lords were to succeed him according to the order of seniority. The legislative power was to reside in the Parliament of that country, consisting of the Palatine as sovereign; an upper House, in which the proprietors or their deputies, the governor and the nobility, were to sit; and a lower House, *composed of the delegates of the people.* There was likewise a court established, the members of which were three proprietaries, and the Palatine as president, and in this court the whole executive authority was lodged.

There were also several other courts: the Chief Justice's, the High Constable's, the Chancellor's, and the High Steward's Court. The principal officers of the State, in number, titles, and power, resembled those of the realm of England. The proprietors of Carolina considered themselves as possessed of every requisite toward forming a separate independent

state, and were always extremely jealous of any encroachments. They even disputed the king's authority to establish Courts of Vice-Admiralty within their precincts, though for the examination and punishment of offences committed without them, and always appointed an admiral of their own. One of their governors was deposed for "accepting a commission under King William, as Judge of the Admiralty, when he had, at the same time, a commission from the Lords proprietaries for the same office."

The Philadelphia charter was next granted, and contained almost an equality of privileges with that of Maryland. There was, indeed, a reverse in favor of Parliament, perfectly singular and unprecedented in any foregoing charter, and which must either be rejected, or the general tenor of the grant becomes unintelligible.

It happened that the charter of Massachusetts was vacated by a decision in Chancery, and a new one was conferred by *William and Mary*. The agents for that colony did not accept it till they had first consulted the most judicious civilians and politicians upon the contents of it, and then drew up an instrument in which they assigned the reasons of their acceptance. The following extract will serve to show their sense of it: "The colony," say they, "is now made a province; and the General Court has, with the King's approbation, as much power in New England as the King and Parliament have in England. They have all English privileges and liberties, and can be touched by *no law* and by *no*

tax, but of their own making. All the liberties of their religion are for ever secured."

You say, that "the power to levy taxes is restrained to provincial and local purposes only, and to be exercised over such only as are inhabitants and proprietors of the said province."

They are empowered "to levy proportionable and reasonable assessments, rates, and taxes, for our service in the necessary defence and support of the government of the said province or territory, and the protection and preservation of the inhabitants there." The defence and support of government, and their own protection and preservation, are the purposes for which they are to raise supplies; and, in my humble opinion, there are no others to which any society is under an obligation to contribute its wealth or property.

I shall only make one more observation upon this charter—which is, that there was a reservation in it of liberty for the people of England to fish upon their coasts, which would have been useless and absurd, had that province been a part of the realm, and within the jurisdiction of Parliament.

Were it necessary to elucidate still more a point which is so conspicuous from the several charters of the colonies, as well as the express declarations of those princes by whom they were granted, to wit: "*that the colonies are without the realm and jurisdiction of Parliament*," I might enumerate many striking circumstances besides those I have already mentioned. But as the case is by this time sufficiently clear, I shall confine

myself to the recital of only one or two more transactions.

An act of the twenty-fifth of Charles the Second was the first that ever imposed duties on the colonies for any purpose; and these, as the preamble itself recites, were simply as a regulation of trade, and were of a prohibitory nature. Notwithstanding this, it was the source of great dissatisfaction; and was one of the principal causes of the insurrection in Virginia, under Colonel Bacon, which after his death subsided; and then the province sent agents to England, to remonstrate "against taxes and impositions being laid on the colony by any authority but that of the General Assembly." In consequence of this, a declaration was obtained, under the privy seal of King Charles, dated nineteenth of April, 1676, to this effect: that "taxes ought not to be laid upon the proprietors and inhabitants of the colony, but by the common consent of the General Assembly."

About three years after, when King Charles had occasion to raise a permanent revenue for the support of Virginia, he did not attempt to do it by means of a parliamentary donation, but framed a bill, and sent it there by Lord Culpepper, who was at that time governor, to receive the concurrence of their legislature. It was *there* passed into a law, and "*enacted by the King's most excellent Majesty, by and with the consent of the General Assembly of the colony of Virginia.*" If the Virginians had been subjects of the realm, this could not have been done without a direct violation of *Magna Charta*, which provides

that no English subject shall be taxed without the consent of Parliament.

Thus, sir, I have taken a pretty general survey of the American charters, and proved, to the satisfaction of every unbiassed person, that they are entirely discordant with that sovereignty of Parliament for which you are an advocate. The disingenuity of your extracts (to give it no harsher name) merits the severest censure, and will, no doubt, serve to discredit all your former, as well as future, labors in your favorite cause of despotism.

It is true, that New York has no charter. But if it could support its claim to liberty in no other way, it might, with justice, plead the common principles of colonization: for it would be unreasonable to exclude one colony from the enjoyment of the most important privileges of the rest. There is no need, however, of this plea. THE SACRED RIGHTS OF MANKIND ARE NOT TO BE RUMMAGED FOR AMONG OLD PARCHMENTS OR MUSTY RECORDS. THEY ARE WRITTEN, AS WITH A SUNBEAM, IN THE WHOLE VOLUME OF HUMAN NATURE, BY THE HAND OF THE DIVINITY ITSELF, AND CAN NEVER BE ERASED OR OBSCURED BY MORTAL POWER.

The nations of Turkey, Russia, France, Spain, and all other despotic kingdoms in the world, have an inherent right, whenever they please, to shake off the yoke of servitude (though sanctioned by the immemorial usage of their ancestors), and to model their government upon the principles of civil liberty.

I will now venture to assert, that I have demonstrated, from the voice of nature, the *spirit* of the

British constitution, and the charters of the colonies in general, the absolute non-existence of that parliamentary supremacy for which you contend. I am not apt to be dogmatical, or too confident of my own opinions; but if I thought it possible for me to be mistaken, when I maintain that the Parliament of Great Britain has no sovereign authority over America, I should distrust every principle of my understanding, reject every distinction between truth and falsehood, and fall into a universal skepticism.

Hitherto, I have reasoned against the whole authority of Parliament, without even excepting the right we have conceded, of regulating trade. I considered it, in its original state, as founded in the British constitution, the natural rights of society, and the several charters of the colonies. The power of regulating our trade was first exercised in the reign of Charles the Second. I shall not examine upon what principle. It is enough, we have consented to it. But I shall proceed to consider the argument you make use of to establish the propriety of allowing special duties to be imposed by way of tribute for the protection of our commerce.

You argue thus: "Notwithstanding the large landed estates possessed by the British subjects in the different parts of the world, they must be considered as a commercial manufacturing people. The welfare, perhaps the existence, of Great Britain as an independent or sovereign state depends upon her manufactures and trade; and many people in America think that her manufactures and commerce depend

in a great measure on her intercourse with her colonies; insomuch that if this should be neglected her commerce would decline and die away, her wealth would cease, and her maritime power be at an end. If these observations be just, they establish the right of the British Parliament to regulate the commerce of the whole empire, beyond possibility of contradiction; a denial of it would be a denial of a right in the British empire to preserve itself. They prove also that all parts of the empire must be subject to the British Parliament, for otherwise the trade of the whole cannot be regulated. They point out also the best mode of raising such a revenue as is necessary for the support and defence of the government, viz.: by duties on imports and exports, because these are attended with the least inconvenience to the subject, and may be so managed as to raise a revenue and regulate the trade at the same time.

"When it is considered that Great Britain is a maritime power, that the present flourishing state of her trade and of the trade of her colonies depends in a great measure upon the protection which they receive from the navy, that her own security depends upon her navy, and that it is principally a naval protection we receive from her, there will appear a peculiar propriety in laying the chief burthen of supporting her navy upon her commerce, and in requesting us to bear a part of the expense, proportional to our ability, and to that protection and security which we receive from it."

The supposition that a cessation of commerce

between Great Britain and the colonies would be ruinous and destructive to the former is ushered in as the principal argument for her right to regulate the commerce of the whole empire. I am willing to allow it its full weight, but I cannot conceive how you can pretend, after making such use of it, to deny it the force it ought to have, when it is urged as affording a moral certainty that our present measures will be successful. If you tacitly adopt the principle, and reason from it in one case, with what propriety can you reject it in the other? If the preservation of the British empire depends in any material degree upon the right of Parliament to regulate the trade of the colonies, what will be the consequence if the trade ceases altogether? You must either acknowledge that you have adduced a very weak and foolish argument, or that the commercial connection between Great Britain and the colonies is essential to her security and prosperity. You have either failed in proving your point, or you have furnished me with an ample confutation of all your reasoning against the probability of success, from the restrictions laid on our commerce. If our trade be necessary to the welfare of Great Britain, she must, of course, be ruined by a discontinuance of it.

But it is granted that Great Britain has a right to regulate the trade of the empire. The Congress have acknowledged it so far as concerned their constituents. You infer from thence that all parts of the empire must be subject to her. They need only be so far subject as is necessary for the end proposed, that is, the regulation of their trade. If you

require any further subjection, you require *means* that are disproportionate to the *end*, which is unreasonable, and not at all allowable.

With respect to the justice of submitting to impositions on our trade for the purpose of raising a revenue to support the navy by which it is protected, I answer that the exclusive regulation of our commerce for her own advantage is a sufficient tribute to Great Britain for protecting it. By this means a vast accession of wealth is annually thrown into her coffers. It is a matter of notoriety that the balance of trade is very much against us. After ransacking Spain, Portugal, Holland, the English, French, Spanish, Dutch, and Danish plantations, for money and bills of exchange, as remittances for the commodities we take from Great Britain, we are still always greatly in arrears to her. At a moderate computation, I am well informed that the profits she derives from us every year exceed two millions and a half sterling; and when we reflect that this sum will be continually increasing as we grow more and more populous, it must be evident that there is not the least justice in raising a revenue upon us by the imposition of special duties.

The right of Great Britain to regulate our trade upon this plan, it is now acknowledged, is not an inconsiderable matter. It is as much as any free people can concede, and as much as any just people would require. We are not permitted to procure manufactures anywhere else than from Great Britain, or Ireland. Our trade is limited and prescribed, in every respect, as is most for her interest. This

is a plentiful source of wealth to her, as I have heretofore shown, and shall hereafter confirm by the testimony of some British writers.

But I have found out an argument, which I imagine will go very near convincing yourself of the absurdity of what you have offered on this head. It is short, but conclusive. "*The principal profits of our trade centre in Great Britain.*" [1] How can you, my dear sir, after making this confession, entertain a single thought that it is incumbent upon us to suffer her to raise a revenue upon our trade? Are not the *principal profits* a sufficient recompense for protecting it? Surely you would not allow her the whole. This would be rather too generous. However ardent your affection to her, and however much it may be your glory to advance her imperial dignity, you ought to moderate it so far as to permit us to enjoy some little benefit from our trade. Only a small portion of the profits will satisfy us. We are willing to let her have the *principal* share, and this you acknowledge she already has. But why will you advise us to let her exhaust the small pittance we have reserved as the reward of our own industry in burthensome revenues? This might be liberality and generosity, but it would not be prudence; and let me tell you, in this selfish, rapacious world a little discretion is at worst only a *venial* sin. It will be expedient to be more cautious for the future. It is difficult to combat truth, and unless you redouble your vigilance you will (as in the present instance) be extremely apt to ensnare yourself.

[1] See page 19 of your own letter.

I shall now briefly examine the excellent mode you have proposed for settling our disputes finally and effectually. All internal taxation is to be vested in our own Legislatures, and the right of regulating trade by duties, bounties, etc., to be left to the Parliament, together with the right of enacting all general laws for all the colonies. You imagine that we should then "have all the security for our rights, liberties, and properties, which human policy can give us."

Here we widely differ in sentiment. My opinion is that we should have no "security besides the goodwill of our rulers—that is, no security at all." Is there no difference between one system of laws and another? Are not some more favorable and beneficial to the subject, better calculated to preserve his life and personal liberty than others? It is evident they are. Suppose, instead of the present system established among us, the French laws were to be introduced for the good of all the colonies, should we have the same security for our lives which we now have? I presume we should not. I presume, also, that a revolution in our laws might and would gradually take place.

A fondness for power is implanted in most men, and it is natural to abuse it when acquired. This maxim, drawn from the experience of all ages, makes it the height of folly to intrust any set of men with power which is not under every possible control; perpetual strides are made after more as long as there is any part withheld. We ought not, therefore, to concede any greater authority to the British

Parliament than is absolutely necessary. There seems to be a necessity for vesting the regulation of our trade *there*, because in time our commercial interests might otherwise interfere with hers. But with respect to making laws for us, there is not the least necessity, or even propriety, in it. Our Legislatures are confined to ourselves, and cannot interfere with Great Britain. We are best acquainted with our own circumstances, and therefore best qualified to make suitable regulations. It is of no force to object that no particular colony has power to enact general laws for all the colonies. There is no need of such general laws. Let every colony attend to its own internal police, and all will be well. How have we managed heretofore? The Parliament has made no general laws for our good, and yet our affairs have been conducted much to our ease and satisfaction. If any discord has sprung up among us, it is wholly imputable to the incursions of Great Britain. We should be peaceable and happy, if unmolested by her. We are not so destitute of wisdom as to be in want of her assistance to devise proper and salutary laws for us.

The legislative power of Parliament would at any rate be useless to us; and as utility is the prime end of all laws, that power has no reason for which it should exist. It is not even requisite for preserving the connection between Great Britain and the colonies, for that is sufficiently secured in two ways: by being united under the same king, and by the important privilege of regulating our commerce, to which we have submitted.

That it may be prejudicial to us no reasonable man can deny. We may trace the evils of it through the whole administration of justice. Judicial proceedings may be so ordered as to render our lives and properties dependent on the will and caprice of court favorites and tools. A wide field for bribery and corruption of every kind would be opened, and the most enormous exactions would take shelter under the garb of law. It is unnecessary to enter into a particular detail of the different methods in which all this might be effected; every man's own imagination will suggest to him a multiplicity of instances.

Rigorous, oppressive, and tyrannical laws may be thought expedient as instruments to humble our rebellious tempers, and oblige us to submit to further exactions of authority, till the claim to bind us in all cases whatsoever be fully complied with. This, no doubt, would be a work of time. The steps would be gradual, and perhaps imperceptible; but they would be sure and effectual. That thirst of power which influenced the Parliament to assert an unlimited authority over us, without the least plausible foundation for it (as I have clearly proved), will authorize us to apprehend the worst.

The power of legislating for us, and of raising a revenue upon the articles of commerce, would be a sufficient degree of slavery. It is absurd to say that Great Britain could not impose heavy burthens on our commerce, without immediately feeling the effect herself. She may enrich herself by reducing us to the most lamentable state of penury and

wretchedness. We are already forbid to purchase the manufactures of any foreign countries. Great Britain and Ireland must furnish us with the necessaries we want. Those things we manufacture among ourselves may be disallowed. We should then be compelled to take the manufactures of Great Britain upon her own conditions. We could not, in that case, do without them. However excessive the duties laid upon them, we should be under an inevitable necessity to purchase them. How would Great Britain feel the effects of those impositions, but to her own advantage? If we might withdraw our custom and apply to other nations, if we might manufacture our own materials, those expedients would serve as a refuge to us, and would indeed be a security against any immoderate exactions. But these resources would be cut off. There would be no alternative left us. We must submit to be drained of all our wealth, for those necessaries which we are not permitted to get elsewhere.

As to our trade with foreign countries, the burthens imposed on that, however grievous, would in like manner affect Great Britain only by increasing her public treasure. Her own inhabitants would pay no part of them; they would fall solely upon ourselves. There is no immediate connection between her trade and ours, of this kind; they are separate and independent; and, of course, the incumbrances on the one would not injure the other. The superfluity of our products must be exported, to enable us to pay our debts to her; and we must submit to be loaded at her discretion. If we look

forward to a period not far distant, we shall perceive that the productions of our country will infinitely exceed the demands which Great Britain and her connections can possibly have for them; and, as we shall then be greatly advanced in population, our wants will be proportionately increased. These circumstances will open an ample field for extortion and oppression.

The legislative authority of Parliament would always be ready to silence our murmurs by tyrannical edicts. These would be enforced by a formidable army, kept up among us for the purpose. The slightest struggles to recover our lost liberty would become dangerous, and even capital. Those hated things, Continental Conventions, by which there might be a communion of councils and measures, would be interdicted. Non-importation and non-exportation agreements would, in effect, be made *seditious*, *illegal*, and *treasonable*.[1] No remedy would be left, but in the clemency of our oppressors; a wretched one, indeed, and such as no prudent man would confide in! In whatever light we consider the matter, we shall find that we must effectually seal our bondage by adopting the mode you recommend.

Agreeably to your concessions, Great Britain is abundantly recompensed for the naval protection she affords, by the *principal profits* of our trade. It can therefore, with no color of justice, be urged upon us to permit her to raise a revenue through that channel.

[1] I believe these were the epithets bestowed on them by General Gage.

But, after all, let us suppose that the emolument which arises from the simple and abstracted regulation of our trade is inadequate to the protection we derive from the parent State: does it follow that her just demands cannot be satisfied, unless we put it in her power to ruin us? When did the colonies refuse to contribute their proportion toward defraying the expenses of government? During the war our contributions were so liberal and generous that we were thought to have done more than our part, and restitution was accordingly made. Massachusetts, that injured, insulted, and calumniated country, was foremost in displaying its loyalty, and was parsimonious neither of its men nor money. But notwithstanding this no confidence, it seems, is due to our virtue or fidelity; but every thing is to be trusted to the wisdom and disinterestedness of a British Parliament.

We do not expect, nor require, that all should depend upon our integrity or generosity, but only a part; and this, every rule of equity entitles us to. We have assented to the exercise of a power which gives a certainty to Great Britain of a vast annual income; any further aids that may be necessary ought to be intrusted to our fidelity. When the circumstances of two parties will not admit of precise boundaries to the duty of each, it is not a dictate of justice to put one entirely into the power of the other. If the mother country would desist from grasping at too much, and permit us to enjoy the privileges of freemen, interest would concur with duty, and lead us to the performance of it. We

should be sensible of the advantages of a mutual intercourse and connection, and should esteem the welfare of Britain as the best security for our own. She may, by kind treatment, secure our attachment in the powerful bands of self-interest. This is the conduct that prudence and sound policy point out; but, alas! to her own misfortune as well as ours, she is blind and infatuated.

If we take futurity into the account, as we no doubt ought to do, we shall find, that in fifty or sixty years, America will be in no need of protection from Great Britain. She will then be able to protect herself both at home and abroad. She will have a plenty of men, and a plenty of materials, to provide and equip a formidable navy. She will, indeed, owe a debt of gratitude to the parent State for past services; but the scale will then begin to turn in her favor; and the obligation for future services will be on the side of Great Britain. It will be the interest of the latter to keep us without a fleet, and, by this means, to continue to regulate our trade as before. But, in thus withholding the means of protection which we have within our own reach, she will chiefly consult her own advantage, and oblige herself much more than us. At that era, to enjoy the privilege of enriching herself by the direction of our commerce, and, at the same time, to derive supports, from our youthful vigor and strength, against all her enemies, and thereby to extend her conquests over them, will give her reason to bless the times that gave birth to these colonies.

By enlarging our views and turning our thoughts

to future days, we must perceive that the special benefits we receive from the British nation are of a temporary and transient nature; while, on the other hand, those it may reap from us by an affectionate and parental conduct will be permanent and durable, and will serve to give it such a degree of stability and lasting prosperity as could not be expected in the common fluctuating course of human affairs. Such reflections will teach us that there is no propriety in making any concessions to Great Britain, which may be at all inconsistent with our safety.

You employ several contemptible artifices to varnish and recommend your scheme. Your conduct, in every respect, affords a striking instance of the depravity of human nature. You insinuate that the Pennsylvania Farmer admits the right of Parliament to regulate our trade in the same sense you do. The very letter your extracts are taken from is expressly levelled against the revenue act, with regard to paper, glass, etc. The design of that, and all his subsequent papers, is to prove that all duties imposed upon the articles of commerce for the purpose of raising a revenue are to be considered in the same light as what you call *internal* taxes, and ought equally to be opposed.

By the "legal authority to regulate trade," he means nothing more than what the Congress have allowed: an authority to confine us to the use of our own manufactures; to prescribe our trade with foreign nations, and the like. This is the power he speaks of as being "lodged in the British Parliament." And as to *general duties*, he means such as

the people of Great Britain are to pay as well as ourselves. Duties, for the purpose of a revenue raised upon us only he calls *special* duties, and says: "They are as much a tax upon us as those imposed by the Stamp Act."

The following passage will show the sentiments of this ingenious and worthy gentleman and at the same time will serve to illustrate what I have heretofore said.

"If you once admit," says he, "that Great Britain may lay duties upon her exportations to us, *for the purpose of levying money on us only*, she will then have nothing to do, but to lay duties on the articles which she prohibits us to manufacture, and the tragedy of *American* liberty is finished. We have been prohibited from procuring manufactures, in all cases, anywhere but from Great Britain (excepting linens, which we are permitted to import directly from Ireland). We have been prohibited in some cases from manufacturing for ourselves, and may be prohibited in others. We are therefore exactly in the situation of a city besieged, which is surrounded by the besiegers in every part but *one*. If that is closed up no step can be taken, *but to surrender at discretion*. If Great Britain can order us to come to her for the necessaries we want, and can order us to pay what taxes she pleases before we take them away, or when we land them here, we are as abject slaves as *France* and *Poland* can show, in wooden shoes, and with uncombed hair.[1]

[1] The peasants of *France* wear wooden shoes; and the vassals of *Poland* are remarkable for matted hair which never can be combed.

"Perhaps the nature of the necessities of dependent States, caused by the policy of a governing one for her own benefit, may be elucidated by a fact mentioned in history. When the Carthaginians were possessed of the island of *Sardinia*, they made a decree that the Sardinians should not raise *corn*, nor get it any other way than from the *Carthaginians*. Then, by imposing any duties they would upon it, they drained from the miserable *Sardinians* any sums they pleased; and whenever that miserable and oppressed people made the least movement to assert their liberty, their tyrants starved them to death or submission. This may be called the most perfect kind of political necessity."

You would persuade us also that Mr. *Pitt's* sentiments accord with yours, about the regulation of trade; but this is as false as the other. When he tells them "to exercise every power but that of taking money out of our pockets," he does not mean that they shall barely refrain from a *manual operation* upon our pockets; but they shall exact money from us in no way whatsoever. To tax the commodities Great Britain obliges us to take from her only is as much taking money out of our pockets as to tax our estates, and must be equally excluded by Mr. Pitt's prohibition.

You all along argue upon a supposititious denial of the right of Parliament to regulate our trade. You tell us: "It will never give up the right of regulating the trade of the colonies"; and, in another place: "If we succeed in depriving Great Britain of the power of regulating our trade, the

colonies will probably be soon at variance with each other. Their commercial interests will interfere[1]; there will be no supreme power to interpose; and discord and animosity must ensue."

I leave others to determine whether you are more defective in memory or honesty: but in order to show that you are starting difficulties where there are really none, I will transcribe, for your perusal, part of the fourth resolve of the Congress. After asserting the right of the several provincial legislatures to an exclusive power of legislation "in all cases of taxation and internal policy," they conclude thus: "But from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British Parliament, as are *bona fide* restrained to *the regulation of our external commerce*, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent."

It seems to me not impossible that our trade may be so regulated as to prevent the discord and animosity, at the prospect of which you are so terrified, without the least assistance from a *revenue*.

Thus have I not only disproved the existence of that parliamentary authority of which you are so zealous an abettor, but also shown that the mode

[1] I do not see any reason to believe this would be the case; but as it is of no importance to controvert it, I shall pass it over.

you have proposed for the accommodation of our disputes would be destructive to American freedom. My next business is to vindicate the Congress by a few natural inferences, and such reflections on the state of our commercial connection with the mother country as are necessary to show the insignificancy of your objections to my former arguments on this head.

Since it has been proved, that the British Parliament has no right either to the legislation or taxation of America, and since neither could be ceded without betraying our liberties, the Congress would have acted inconsistent with their duty to their country had they done it. Their conduct, therefore, so far from being reprehensible, was perfectly justifiable and laudable.

The regulation of our trade, in the sense it is now admitted, is the only power we can, with justice to ourselves, permit the British Parliament to exercise; and it is a privilege of so important a nature, so beneficial and lucrative to Great Britain, that she ought, in equity, to be contented with it, and not attempt to grasp at any thing more. The Congress, therefore, have made the only concession which the welfare and prosperity of America would warrant, or which Great Britain, in reason, could expect.

All your clamors, therefore, against them for not having drawn some proper line are groundless and ridiculous. They have drawn the only line which American freedom will authorize, or which the relation between the parent state and the colonies requires.

It is a necessary consequence, and not an assumed point, that the claim of Parliament to *bind us by statutes in all cases whatsoever* is unconstitutional, unjust, and tyrannical; and the repeated attempts to carry it into execution evince a fixed, inveterate design to exterminate the liberties of America.

Mr. Grenville, during his administration, was the projector of this scheme. His conduct, as a minister, has been severely arraigned by his successors in office, and by the nation in general; but, notwithstanding this, a measure which disgraces his character more than any thing else has been steadily pursued ever since.

The Stamp Act was the commencement of our misfortunes; which, in consequence of the *spirited* opposition made by us, was repealed. The Revenue Act, imposing duties on paper, glass, etc., came next, and was also partly repealed on the same account. A part, however, was left to be the instrument of some future attack. The present minister, in conjunction with a mercenary tribe of merchants, attempted to effect, by stratagem, what could not be done by an open, undisguised manner of proceeding. His emissaries, everywhere, were set to work. They endeavored, by every possible device, to allure us into the snare. The act, passed for the purpose, was misrepresented; and we were assured, with all the parade of pretended patriotism, that our liberties were in no danger. The advantage we should receive from the probable cheapness of English tea was played off with every exaggeration of falsehood, and specious declamations on the criminality of

illicit trade served as a gilding for the whole. Thus truth and its opposite were blended. The men who could make just reflections on the sanctity of an oath were yet base enough to strike at the vitals of those rights which ought to be held sacred by every rational being.

It so happened that the first tea ship arrived at Boston. The Assembly of that province, justly alarmed at the consequences, made repeated applications to the consignees for the East India Company, requesting them to send back the tea. They as often refused to comply. The ship was detained till the time was elapsed; after which the tea must have been landed, and the duties paid, or it would have been seized by the Custom-House. To prevent this, a part of the citizens of Boston assembled, proceeded to the ship, and threw the tea into the river.[1]

The scheme of the ministry was disappointed on all hands. The tea was returned from all the colonies except South Carolina. It was landed there; but such precautions were taken as equally served to baffle their attempt.

This abortion of their favorite plan, inflamed the ministerial ire. They breathed nothing but vengeance against America. Menaces of punishment resounded through both Houses of Parliament. The Commons of Great Britain spoke more in the supercilious tone of masters than in the becoming language of fellow-subjects. To all the judicious reasonings of a Burke, or Barré, no other answer was

[1] I shall examine the justice and policy of this procedure in some future publication.

returned than the idle tale of *lenity* and *severity*. Much was said on their past forbearance, and of their future resentment. This was the burthen of the song. The Quixote minister, too, promised to bring America to his feet. Humiliating idea, and such as ought to be spurned by every free-born American!

Boston was the first victim to the meditated vengeance. An act was passed to block up her ports and destroy her commerce, with every aggravating circumstance that can be imagined. It was not left at her option to elude the stroke by paying for the tea; but she was also to make such satisfaction to the officers of his Majesty's revenue, and others who might have suffered, as should be judged *reasonable by the governor*.

Nor is this all. Before her commerce could be restored, she must have submitted to the authority claimed and exercised by the Parliament.[1]

Had the rest of America passively looked on while a sister colony was subjugated, the same fate would gradually have overtaken all. The safety of the

[1] This must be evident to every person who has read the act. The prefatory part of it is in these words: "Whereas, dangerous commotions and insurrections have been fomented and raised in the town of Boston, etc.; in which commotions and insurrections, certain valuable cargoes of tea, etc., were seized and destroyed: And whereas, in the present condition of the said town and harbor, the commerce of his Majesty's subjects cannot be safely carried on there, nor the *customs* payable to his Majesty dully collected," etc.

The commotions specified are those in which the tea was destroyed; the commerce obstructed was that of the East India Company; and the customs which could not be collected were those on the tea. These are the evils the act is intended to punish and remove; accordingly it provides that "whenever it shall appear to his Majesty, in his privy council, that peace and obedience to the laws (*i. e.*, the laws of Parliament) shall be so far restored in the said town of Boston that the

whole depends upon the mutual protection of every part. If the sword of oppression be permitted to lop off one limb without opposition, reiterated strokes will soon dismember the whole body. Hence, it was the duty and interest of all the colonies to succor and support the one which was suffering. It is sometimes sagaciously urged, that we ought to commiserate the distresses of the people of Massachusetts, but not intermeddle in their affairs, so far as perhaps to bring ourselves into like circumstances with them. This might be good reasoning, if our neutrality would not be more dangerous than our participation; but I am unable to conceive how the colonies in general would have any security against oppression, if they were once to content themselves with barely *pitying* each other, while Parliament was prosecuting and enforcing its demands. Unless they continually protect and assist each other, they must all inevitably fall a prey to their enemies.

Extraordinary emergencies require extraordinary expedients. The best mode of opposition was that in which there might be a union of councils. This

trade of Great Britain may safely be carried on there, and his Majesty's *customs* duly collected," then his Majesty may, at his discretion, so far open the port as to him seems necessary. So that until the Bostonians shall submit to let the trade of Great Britain be carried on upon her own terms, and suffer his Majesty's customs (the duty upon tea, or any other Parliament may impose) to be duly collected, they must remain in their present distressed situation: that is, unless they resign their freedom and put on the ignominious yoke tendered them by Parliament, they are never to recover their lost trade. Hence it appears how weak, ungenerous, and contemptible that objection is, which supposes the Bostonians might have avoided their present calamities by paying for the tea. The truth is, they had no alternative but submission to all the *unjust claims of Parliament*.

was necessary to ascertain the boundaries of our rights, and to give weight and dignity to our measures, both in Great Britain and America. A Congress was accordingly proposed, and universally agreed to.

You, sir, triumph in the supposed *illegality* of this body: but granting your supposition were true, it would be a matter of no real importance. When the first principles of civil society are violated, and the rights of a whole people are invaded, the common forms of municipal law are not to be regarded. Men may then betake themselves to the law of nature; and, if they but conform their actions to that standard, all cavils against them betray either ignorance or dishonesty. There are some events in society, to which human laws cannot extend, but when applied to them, lose all their force and efficacy. In short, when human laws contradict or discountenance the means which are necessary to preserve the essential rights of any society, they defeat the proper end of all laws, and so become null and void.

But you have barely asserted, not proved, this *illegality*. If by the term you mean a contrariety to law, I desire you to produce the law against it. I maintain there is none in being. If you mean that there is no law, the intention of which may authorize such a convention, I deny this also. It has been always a principle of the law, that subjects have a right to state their grievances, and petition the king for redress. This is explicitly acknowledged by the act of the first of William and Mary; and "all prosecutions and commitments for such petitioning" are declared to be illegal. So far, then, the Congress

was a body founded in law; for if subjects have such a right, they may undoubtedly elect and depute persons from among themselves to act for them.[1]

As to the particular agreements entered into with respect to our commerce, the law makes no provision for or against them; they are perfectly indifferent in a legal sense. We may or may not trade, as is most suitable to our own circumstances.

The deputies chosen in the several provinces met at Philadelphia according to appointment, and framed a set of resolves declarative of the rights of America; all which I have by general arguments proved are consonant to reason and nature, to the spirit of the British Constitution, and to the intention of our charters. They made the only concession (as I have also shown) that their duty to themselves and their country would justify, or that the connection between Great Britain and the colonies demanded.

They solicited the king for a redress of grievances, but justly concluding from past experience, from the behavior and declarations of the majority in both Houses of Parliament, and from the known character and avowed designs of the minister, that little or no dependence was to be placed upon bare entreaties, they thought it necessary to second them by restrictions on trade.

In my former defence of the measures of the

[1] All lawyers agree that the *spirit* and *reason* of a law is one of the principal rules of interpretation; if so, it cannot be doubted that when a people are aggrieved, and their circumstances will not allow them unitedly to petition in their own persons, they may appoint representatives to do it for them.

Congress, I proved, in a manner you never will be able to invalidate, that petitions and remonstrances would certainly be unavailing. I will now examine your frivolous and prevaricating reply.

You answer thus: "In the commotions occasioned by the Stamp Act, we referred to petitions and remonstrances; our grievances were pointed out, and redress solicited with temper and decency. They were heard; they were attended to; and the disagreeable act repealed. The same mode of application succeeded with regard to the duties laid upon glass, painters' colors, etc. You say, indeed, that our addresses on this occasion were treated with contempt and neglected. But, I beseech you, were not our addresses received, read, and debated upon? And was not the repeal of those acts the consequence? *The fact you know is as I state it.* If these acts were not only disagreeable to the Americans, but were also found to militate against the commercial interests of Great Britain, it proves what I asserted above; that duties which injure our trade will soon be felt in England, and then there will be no difficulty in getting them repealed."

I entirely deny the fact to be as you state it; and you are conscious it is not. Our addresses were not heard, attended to, and the disagreeable act repealed in consequence of them. If this had been the case, why was no notice taken of them in the repealing act? Why were not our complaints assigned as the inducement to it? On the contrary, these are the express words of the first repeal, to which the second is also similar: "Whereas the continuance of the

said act would be attended *with many inconveniences*, and *may be productive of consequences greatly detrimental to the commercial interests of Great Britain:* May it therefore please your most excellent Majesty, by and with the advice and consent, etc., that from and after the first day of May, 1766, the abovementioned act, and the several matters and things therein contained, shall be, and is, and are, hereby repealed and made void, to all intents and purposes whatsoever."

The inconveniences and the ill consequences to Great Britain are the only reasons given for the revolution of the act. How then can you pretend to say it was in compliance with our petitions? You must think the complaisance of your readers very great to imagine they will credit your assertions at the expense of their own understandings.

Neither is the use you make of the assigned reasons at all just. The consequences, so detrimental to the commercial interests of Great Britain, are not such as would have resulted from the natural operation of the act, had it been submitted to; but from the opposition made by us, and the cessation of imports which had taken place.

A non-importation (to which you have so violent an aversion) was the only thing that procured us redress on preceding occasions. We did not formerly, any more than now, confine ourselves to petitions only, but took care to adopt a more prevailing method; to wit,—a suspension of trade.

But what proves to a demonstration that our former petitions were unsuccessful is, that the grand

object they aimed at was never obtained. This was an exemption from parliamentary taxation. Our addresses turned entirely upon this point. And so far were they from succeeding, that immediately upon the repeal of the Stamp Act, a subsequent act was passed, declaring the right of Parliament to bind us by statutes in all cases whatsoever. This declaration of the unlimited, universal authority of Parliament, was a direct denial of the leading claim held up in our petition, and of course a rejection of the petition itself.

The same observations are applicable to the Revenue Act, which, had our addresses been successful, would have been wholly, not partially, revoked; and we should not, at this time, have had any occasion to renew our complaints, but should have been in a state of security and tranquillity.

In my former reflections on this head, I urged many considerations to show that there is less reason now than ever to expect deliverance by means of remonstrance and entreaty. And, indeed, if we consider the vindictive spirit diffused through the words and actions of our oppressors, we must be convinced of this. It impeaches the understandings of the ministry and the Parliament in the grossest manner, to suppose they have renewed their attempts, and taken such violent methods to carry them into execution, merely to have the pleasure of undoing the whole, in condescension to our prayers and complaints. The taxation of America is an object too near at heart to be resigned unless from necessity; and if they would not have abandoned

the principle, there could be no reason to expect they would have desisted from the exercise of it in the present instance. For the duty on tea is in itself very trifling; and, since that is opposed, they could not hope to vary the mode in any way that would be less offensive and less obnoxious to opposition.

In answer to the instance I produced from the unsuccessful application of the Boston Assembly, you tell me that "the governor against whom the complaint was made was called to a public trial before the only court where the cause was cognizable, the King in Council, but the Boston Assembly could not support their charge, and the governor was acquitted." The truth is, their charge was extremely well supported in the eye of strict justice, but it was destitute of the mere formalities of law, and on this score it was rejected. They accused him of treachery and falsehood, and produced his own letters against him. It was not admitted as a *legal* charge, or *crimen;* nor the party's letters as an evidence, or *testis;* and by these evasions the criminal escaped the punishment he deserved, and instead of it, has been advanced to higher honors, while the complainants were unrelieved and insulted. I remember when the particulars of this transaction were first published, there was one circumstance mentioned: that the petition in question was pronounced at *St. James'* to be "*a seditious*, *vexatious*, and *scandalous libel.*"

You tell me: "There is also this reason why we should, at least, have tried the mode of petition and

remonstrance, to obtain a removal of the grievances we complain of,—the friends of America and England have strongly recommended it as the most decent and probable means of succeeding." I wish you had been so kind as to have particularized those friends you speak of. I am inclined to believe you would have found some difficulty in this. There have been some publications in the newspapers, said to be extracts of letters from England; but who are the authors of them? How do you know they were not written in America? or, if they came from England, that the writers of them were really sincere friends? I have heard one or two persons named as the authors of some of these letters; but they were those whose sincerity we have the greatest reason to distrust. The general tenor of advice from those with whose integrity we are best acquainted, has been, to place no dependence on the justice or clemency of Great Britain, but to work our deliverance by a spirited and self-denying opposition. Restrictions on our trade have been expressly pointed out and recommended as the only probable source of redress.

You say: "If the information from England be true, we have by our haughty demands detached most of our friends there from our interest, and forced them to take part against us." Pray, sir, where did you get this information? Is there any inhabitant of the invisible world that brings intelligence to you in a supernatural way? There have been no arrivals from England preceding the time you wrote your letter, that have brought any

account of the proceedings of the Congress being received there, or of the consequences resulting from them. Your information must have either come to you in a miraculous manner, or it must be a fiction of your own imagination.

But there are other powerful reasons against trusting to petitions only, in our present circumstances. The town of Boston is in a very critical situation. Men, under sufferings, are extremely apt, either to plunge into desperation, or to grow disheartened and dejected. If the colonies, in general, appear remiss, or unwilling to adopt vigorous measures, in order to procure the most speedy relief, the people of Massachusetts might perhaps have been hurried on to a rash and fatal conduct, or they might have become languid and lifeless. Delays are extremely dangerous in affairs of such vast consequence.

The dispute might have been spun out by ministerial artifice, till the generality of the people became careless and negligent, and, of course, fitter to be imposed upon, and less forward to assert their rights with firmness and spirit. THE HAND OF BRIBERY MIGHT HAVE BEEN STRETCHED ACROSS THE ATLANTIC, and the number of domestic vipers increased among us. The ministry and their agents here are active and subtile; nothing would have been neglected that might have a tendency to deceive the ignorant and unwary, or to attract the dishonest and avaricious. How great an influence places, pensions, and honors have upon the minds of men, we may easily discover, by contrasting the former with the present conduct of some among ourselves. Many who, at the time

of the Stamp Act, were loudest in the cause of liberty, and the most ardent promoters of the spirited proceedings on that occasion, have now, from patriots of the first magnitude, dwindled into *moderate men*, friends to order and good government, dutiful and zealous servants to the ministry.

Had our petitions failed, we should have found our difficulties multiplied much more than we can imagine; and since there was the highest probability of a failure, it would have been madness to have hazarded so much upon so unpromising a footing.

It betrays an ignorance of human nature to suppose that a design formed and ripened for several years against the liberties of any people, might be frustrated by the mere force of entreaty. Men must cease to be as fond of power as they are before this can be the case.

I therefore infer that if the Congress had not concerted other, more efficacious measures, they would have trifled away the liberties of their country, and merited censure instead of approbation. Commercial regulations were the only peaceable means from which we could have the least hope of success. These they have entered into; and these, I maintain, must succeed, if they are not treacherously or pusillanimously infringed.

You tell me, "I overrate the importance of these colonies to the British empire"; and proceed to make such assertions as must convince every intelligent person that you are either a mortal foe to truth or totally ignorant of the matter you undertake.

The following extracts will show whether my representations have been just or not.

"Our plantations spend mostly our *English* manufactures—and those of *all sorts* almost imaginable, in *prodigious* quantities; and employ near *two thirds* of all our English shipping; so that we have more people in *England*, by reason of our plantations in *America*.[1]

"We may safely advance, that our trade and navigation are *greatly* increased by our colonies, and that they really are a source of treasure and naval power to this kingdom, since they *work for us*, and their treasure *centres here*. Before their settlement, *our manufactures were few*, and those but *indifferent;* the number of English merchants very small; and the *whole shipping* of the nation much inferior to what now belongs to the northern colonies only. *These are certain facts*. But since their establishment, our condition has altered for the better, *almost to a degree beyond credibility*. Our manufactures are *prodigiously* increased, chiefly by the demand for them in the plantations, where they *at least take off one half*, and supply us with many valuable commodities for exportation, which is as great emolument to the mother kingdom as to the plantations themselves."[2]

The same author says, in another place: "Before the settlement of these colonies, our *manufactures were few*, and those but indifferent. In those days, we had, not only our *naval stores*, but our *ships*, from our neighbors."

"I shall sum up my whole remarks," says another

[1] Postlethwait. [2] *Ibid.*

writer, "on our *American* colonies, with this observation: that, as they are a *certain* annual revenue of *several millions sterling* to their mother country, they ought carefully to be protected, duly encouraged, and every opportunity that presents improved for their increment and advantage; *as every one they can possibly reap, must at last return to us with interest.*" [1]

These quotations clearly prove that the colonies are of the last importance to Great Britain. They not only take off vast quantities of her manufactures, but furnish her with materials to extend her trade with foreign nations. They also supply her with naval stores, and, in a great measure, with a navy itself. The present flourishing state of her commerce, is chiefly to be attributed to the colonies who *work for her*, and whose treasure *centres in her*. How unjust, therefore, is it in her not to be satisfied with the advantages she has hitherto received from us, but to aim at depriving us of our freedom and happiness! And what ruinous consequences must flow from a cessation of our trade, on which her manufactures so much depend! What prodigious numbers must be thrown out of employ and reduced to beggary and misery!

"But she is a great nation; has vast resources; may easily supply the want of our trade by making very small concessions to Portugal, Russia, Turkey, etc. Should our non-importation distress her manufactures, every man may employ himself to labor on a farm; and the price of grain would be much

[1] *Les mercatoria.*

advanced in France, Spain, and the Mediterranean. Notwithstanding the present high cultivation of the lands in England, that kingdom is capable of being improved, by agriculture and commerce, so as to maintain double the number of people that it does at present. The improvements in Scotland within the last thirty years are amazing. The enterprising spirit of the people has opened an easy intercourse between all parts of the country, and they have been enriched by commerce to a surprising degree."

I can hardly prevail upon myself to give a serious answer to such ridiculous rant; but it may be requisite for the sake of the uninformed, and of course it would be improper to decline it.

The national debt is now about one hundred and forty millions sterling—a debt unparalleled in the annals of any country besides. The surplus of the annual revenues, after paying the interest of this debt, and the usual expenses of the nation, is upon an average about one million and a quarter sterling [1]; so that with all their present resources they would not be able to discharge the public debt in less than *one hundred and twelve years*, should the peace continue all that time. It is well known that most of the necessaries of life are at present heavily taxed in Great Britain and Ireland. The common people are extremely impoverished, and find it very difficult to procure a subsistence. They are totally unable to bear any new impositions; and of course there can

[1] See a calculation made by Blackstone. He says, the year '65, two millions were paid, and three millions in the succeeding years; *i. e.*, five millions in four years.

be no new internal sources opened. These are stubborn facts, and notorious to every person that has the least acquaintance with the situation of the two kingdoms. Had there been the vast resources you speak of, why have they not been improved to exonerate the people and discharge the enormous debt of the nation? The guardians of the state have been a supine, negligent, and stupid pack indeed, to have overlooked, in the manner they have done, those numerous expedients they might have fallen upon for the relief of the public. It cannot be expected but that a war will take place in the course of a few years, if not immediately; and then, through the negligence of her rulers, Great Britain, already tottering under her burthens, will be obliged to increase them till they become altogether insupportable, and she must sink under the weight of them. These considerations render it very evident that the mighty resources you set forth in such pompous terms have nothing but an *imaginary* existence, or they would not have been left so uncultivated in such necessitous and pressing circumstances.

You think you have nothing to do but to mention the names of a few countries, Portugal, Russia, Turkey, etc., and you have found out an easy remedy for the inconveniences flowing from the loss of our trade. Yet in truth Great Britain carries on as extensive a commerce with those countries, and all others, as their circumstances will permit. Her trade is upon the decline with many of them. France has in a great measure supplanted her in Spain, Portugal, and Turkey, and is continually gaining

ground. Russia is increasing her own manufactures fast; and the demand for those of Great Britain must decrease in proportion.

"Most of the nations of Europe have interfered with *her*, more or less, in divers of her *staple manufactures*, within half a century; not only in her woollen, but in her lead and tin manufactures, as well as her fisheries."[1]

A certain writer in England, who has written on the present situation of affairs with great temper, deliberation, and apparent integrity, has these observations: "The condition of the great *staple manufactures* of our country is well known; those of the linen and the silk are in the greatest distress, and the woollen and the linen are now publicly bandied and contending against one another. One part of our people is starving at home on the alms of their parishes, and another running abroad to this very country that we are contending with. The produce of North America, that used to be sent yearly to Great Britain, is reckoned at about four millions sterling; the manufactures of Great Britain, and other commodities returned from hence, at nearly the same sum; the debts due from America to British merchants here at about six millions, or a year and a half of that commerce. Supposing, therefore, the Americans to act in this case as they did in the time of the Stamp Act; we shall then have yearly, until the final settlement of this affair, manufactures to the value of four millions sterling, left and heaped on the hands of our merchants and master manu-

[1] Postlethwait.

facturers; or we shall have workmen and poor people put out of employ and turned adrift in that proportion. There will likewise be drawn from our home consumption, and out of our general trade and traffic, North American commodities to the same value; and debts, to the immense sums above mentioned, will be withheld from private people here. What effects these things will produce, considering the present state of our trade, manufactures, and manufacturers, the condition of our poor at home, and the numbers of people running abroad, it don't want many words to explain and set forth. *They were before severely felt* for the time that they lasted, and it is apprehended that the present situation of the public is yet more liable to the impression. These are some of the difficulties and distresses which we are, for a trial of skill, going to bring on ourselves, and which will be perpetually magnifying and increasing as long as the unnatural contest shall continue."

From these facts and authorities it appears unquestionable, that the trade of Great Britain, instead of being capable of improvement among foreign countries, is rather declining; and instead of her being able to bear the loss of our commerce, she stands in need of more colonies to consume her manufactures.

It is idle to talk of employing those who might be thrown out of business upon farms. All the lands in England, of any value, have been long ago disposed of, and are already cultivated as high as possible. The laborious farmers find it an exceeding difficult

task to pay their yearly taxes and supply their families with the bare necessaries of life; and it would be impracticable to give employment in agriculture to any more than are already engaged. We can have no doubt of this, if we consider the small extent of territory of Great Britain, the antiquity of its settlement, and the vast number of people it contains. It is rather overstocked with inhabitants; and were it not for its extensive commerce, it could not maintain near the number it does at present. This is acknowledged on all hands. None but yourself would hazard the absurdity of a denial. The emigrations from Great Britain, particularly from the north part of it, as well as the most authentic accounts, prove the contrary of your representations. Men are generally too much attached to their native country to leave it, and dissolve all their connections, unless they are driven to it by necessity. The swarms that every year come over to America, will never suffer any reasonable man to believe, upon the strength of your word, that the people in Scotland, or Ireland are even in tolerable circumstances.

I cannot forbear wondering, when you talk of the price of grain being advanced in France, Spain, and the Mediterranean, and insinuate that Great Britain may be able to supply them. It will be well if she can raise grain enough for herself, so as not to feel the want of those considerable quantities she frequently gets from us. I am apt to think she will experience some inconveniences on this account.

With respect to Ireland you think yourself under no obligation to point out where she may find pur-

chasers for her linens so numerous and wealthy as we are; but unless you could do this, you must leave that country in very deplorable circumstances. It is not true, that she may do just as well with her linens upon her hands, as we can with our flaxseed upon ours. Linen is a staple manufacture of hers, and the sole means of subsistence to a large part of her inhabitants. Flaxseed, as an article of commerce, is comparatively of little importance to us; but we shall stand in need of all the flax we can raise, to manufacture linens for ourselves, and therefore shall not lose our seed by ceasing to export it. I shall say more of this hereafter.

Nor is it by any means a just inference, that because Ireland formerly subsisted without a linen manufactory, she would not, therefore, severely feel any present obstruction to the sale of the article in question. Her burthens are now much more grievous than they formerly were; and of course her resources ought to be proportionately greater, or she must sink under the pressure of them. The linen manufactory is, at this time, one of her most valuable resources, and could not be materially injured or impeded without producing the most melancholy effects. The distressed condition of Ireland will not admit of any diminution of her *means*, but pressingly demands an enlargement of them.

It is of little moment to contest the possibility that that country might procure a sufficiency of flax elsewhere than from us, till it can be shown where she may find a mart for her linens equal to the American; and this you are not willing even to

attempt. Yet I have credible information that she could not obtain from Holland much more than usual (for the reasons I before assigned), and that she has always had as much from the Baltic as she could conveniently get. With regard to Canada, any considerable supply from thence would be a work of time, and no relief to her immediate exigencies.

I observed, in my former pamphlet, that "the Dutch may withhold their usual supplies; they may choose to improve the occasion for the advancement of their own trade; they may take advantage of the scarcity of materials in Ireland to increase and put off their own manufactures." You answer it by saying: "You never yet knew a Hollander who would withhold any thing that would fetch him a good price." The force of my observation turns upon its being his interest to do it. You should have shown, that it would be more profitable to him to sell it to the Irish than to retain it for the purposes mentioned; otherwise, that very avarice you ascribe to him will operate as I supposed.

You are unmercifully witty upon what I said concerning the West Indies; but the misfortune of it is, you have done nothing else than "blunder round about my meaning." I will endeavor to explain myself in a manner more level to your capacity.

The lands in the West Indies are extremely valuable, because they produce the sugar-cane, which is a very lucrative plant; but they are small in quantity, and therefore their proprietors appropriate only small portions to the purpose of raising food. They

are very populous, and therefore the food raised among themselves goes but little way. They could not afford sufficient sustenance to their inhabitants, unless they were chiefly or entirely applied to the production of necessaries; because they are so small in quantity, and so thickly inhabited.

These are truths which every person acquainted with the West Indies must acquiesce in; and should they be deprived of external succors, they must either starve or suspend the cultivation of the sugar-cane. The latter is the better side of the dilemma, but that would cut off an annual income of several millions sterling to Great Britain; for it cannot admit of a doubt, that the chief part of the profits of the English West Indies ultimately centres there.

But, in order to disappoint my malice, you tell me that Canada raises four hundred thousand bushels of wheat a year; and this, you imagine, will pretty well supply the wants of the West Indies. But give me leave to inform you, that it would not satisfy a tenth part of them. The single island of Jamaica would require much more. At a moderate computation, I believe there are four hundred thousand people in the British West Indies only. Let us allow a pound of wheat a day, upon an average, to each,[1] and make a calculation accordingly.

At a pound a day, every person must be supposed to consume three hundred and sixty-five pounds a year; that is, about twelve bushels. Now, as there

[1] This allowance cannot be thought too much, if we consider that the negroes live chiefly upon grain, and must continue to do so, because the quantity of flesh and fish would be proportionably diminished when our supplies failed.

are as many people as there are bushels of wheat raised in Canada, and as each person would consume twelve bushels, it follows that the quantity you mention would not be above a twelfth part sufficient.

But can we imagine that all the wheat of Canada would be devoted to the use of the British West Indies? If our ports were to be blocked up, would not the French and Spanish islands be in great distress for provisions? And have not the Canadians any near connections among them? Would they not naturally sympathize with them, and do all in their power to afford relief? And could they find no means to accomplish their inclinations? To answer these questions is easy. The islands belonging to the French and Spaniards will be greatly distressed; the Canadians will be very ready and desirous to assist them; and they will contrive some expedients to communicate a large share of what their country yields.

What you say concerning the lumber exported from Canada is totally false. That country labors under many inconveniences which have hitherto prevented the exportation of that article, but in very small quantities, and of a particular kind. The places where the lumber grows are so far distant from the seaports that the expense of transportation is too great to make it worth while to ship any other than butt staves, and these must be brought quite from Lake Champlain. This disadvantage, together with the number of hands it would require, and the time necessary to enter extensively into any branch of trade, and to remove all the impediments naturally

in the way, would render the situation of the West Indies truly pitiable, were they once necessitated to depend upon Canada only, for supplies of lumber.

The attention of Mississippi is entirely engrossed in raising corn and indigo. The advantage arising from these articles is much greater than would result from lumber; and of course the people of that country will never attend to the latter in preference to the former.

Thus have I proved, in a full, clear, and conclusive manner, that a cessation of our trade with Great Britain, Ireland, and the West Indies would be productive of the most fatal consequences to them all; and that, therefore, the peace, happiness, and safety of the British empire are connected with the redress of our grievances; and, if they are at all consulted, our measures cannot fail of success.

As to the justice of proceeding in the manner we have done, it must depend upon the *necessity* of such a mode of conduct. If the British Parliament are claiming and exercising an unjust authority, we are right in opposing it by every necessary means. If remonstrances and petitions have been heretofore found ineffectual (and we have no reasonable ground to expect the contrary at present), it is prudent and justifiable to try other methods, and these can only be restrictions on trade. Our duty to ourselves and posterity supersedes the duties of benevolence to our fellow-subjects in Great Britain, Ireland, and the West Indies.

You can never confute the arguments I before made use of on this head, unless you can prove the

right of Parliament to act as it has done, or the likelihood of succeeding by petitions. Your feeble endeavors to effect this, I have sufficiently baffled. You must now collect new forces and make a more vigorous effort, or you must quit the field in disgrace.

Such vociferation as this is not to be admitted instead of argument: "Are the Irish and the West Indians accountable for our mad freaks? Do you expect to extend the tyranny of the Congress over the whole British empire, by the legerdemain of calling it American freedom? Do you think that the Irish and West Indians are in duty bound to enter into our non-importation, non-consumption, and non-exportation agreements, till our grievances, real or pretended, are removed? And that they deserve to be starved if they do not? Enjoy your folly and malevolence if you can."

The resistance [1] we are making to parliamentary tyranny cannot wear the aspect of *mad freaks* to any but such mad imaginations as yours. It will be deemed virtuous and laudable by every ingenuous mind. When I said that the people of Great Britain, Ireland, and the West Indies were to be considered as *politically* criminal for remaining neutral while our privateers were attacked, I did not mean that they ought to enter into any of the above-mentioned agreements, but that it was their duty to signify in a public manner their disapprobation of the

[1] I mean the general resistance. That there have been some irregularities committed in America I freely confess. It would be miraculous and inconsistent with human nature for a people in such critical and trying circumstances to act perfectly right.

measures carrying on, and to use all their influence to have them laid aside. Had they interested themselves in the affair with any degree of zeal and earnestness, we should not probably have had occasion to act as we do, and they would not have been in danger of their present calamities. Their obligation to assist us in the preservation of our rights is of the very same nature with ours to carry on a trade with them.

But you insist upon it, we should not be able to live without the manufactures of Great Britain, and that we should be ruined by a prohibition of our exports. "The first winter after our English goods are consumed we shall be starving with cold"; after all our endeavors, "the requisite quantity of wool to clothe the inhabitants of this continent could not be obtained in twenty years." As to cotton, it "must come from the Southern colonies; and the expense of bringing it by land would be too great for the poor. Besides, we have nobody to manufacture our materials after we have got them." All these, you think, are insuperable obstacles, and would, if duly considered, induce us to bend our necks tamely and quietly to the proffered yoke, as much less dreadful than the evils attendant upon our measures will inevitably be.

Nature has disseminated her blessings variously throughout this continent. Some parts of it are favorable to some things, others to others; some colonies are best calculated for grain, others for flax and hemp, others for cotton, and others for live stock of every kind. By this means a mutually advantageous intercourse may be established between

them all. If we were to turn our attention from external to internal commerce, we should give greater stability and more lasting prosperity to our country than she can possibly have otherwise. We should not then import the luxuries and vices of foreign climes; nor should we make such hasty strides to public corruption and depravity.

Let all those lands which are rich enough to produce flax and hemp be applied to that purpose; and let such parts as have been a long time settled still continue to be appropriated to grain, or other things they are fit for. We shall want as much of the former articles as can be raised, and perhaps as much of the latter as may be requisite toward the due improvement of the poorer part of our soil. Let it be considered that the colonies which are adapted to the production of materials for manufactures will not be employed in raising grain, but must take what they use chiefly from the other colonies, and, in return, supply their materials. By this means, and by dedicating no more of our land to the raising of wheat, rye, corn, etc., than is incapable of producing other things, we shall find no superfluity of those articles, and shall make a very beneficial use of all our lands. This is practicable; difficulties may be started, but none which perseverance and industry may not overcome.

The clothes we already have in use, and the goods at present in the country, will, with care, be sufficient to last *three years*.[1] During that time we

[1] I may be thought here to contradict my former assertion, to wit, that in eighteen months all the goods we have among us will be con-

shall be increasing our sheep as much as possible. It is unfair to judge of the future from the past. Hitherto we have paid no great attention to them; we have killed and exported as fast as we could obtain a sale. When we come to attend properly to the matter, to kill but few and to export none, we shall, in the course of two or three years, have large numbers of sheep, and wool enough to go a considerable way toward clothing ourselves.

Flax and hemp we should undoubtedly have in abundance. The immense tracts of new rich land, which may be planted with these articles, would yield immense quantities of them. What large supplies of seed do we annually export to Ireland! When we come to withhold these, and make the cultivation of flax and hemp a matter of serious attention, we shall soon procure a plenty of them. In speaking of this matter, you confine your views to the single small province of New York. You say: "We sow already as much flax as we can conveniently manage. Besides, it requires a rich, free soil; nor will the same ground in *this* country produce flax a second time till after an interval of five or six years. If the measures of the Congress should be carried into full effect, I confess we may, in a year or two, want a large quantity of hemp for the executioner. But I fear we must import it. It exhausts the soil too much to be cultivated in the old settled parts of the province."

There is land enough in the other provinces, that

sumed; but I only meant that all the goods in the hands of the merchants would be purchased and taken off.

is rich, free, and new; nor is it at all liable to the objections you make. As to this particular province, and any others in the same circumstances, let only such parts as are fit be planted with the articles in question, and let the rest be managed as before. Much more may be produced in this than has been hitherto; but if it could not afford a sufficiency for itself, let it exchange its grain with other colonies that superabound with such materials.

If we sow already as much flax as we can conveniently manage, it is because the chief of our attention is engrossed by other things; but the supposition is, that there will be less demand for them, and more for flax; and, by attending less to present objects, we shall have it in our power for the future to sow and manage much more flax than in the time past.

With respect to cotton, you do not pretend to deny that a sufficient quantity of that might be produced. Several of the Southern colonies are so favorable to it that, with due cultivation, in a couple of years they would afford enough to clothe the whole continent.

As to the expense of bringing it by land, the best way will be to manufacture it where it grows, and afterward transport it to the other colonies. Upon this plan I apprehend the expense would not be greater than to build and equip large ships to import the manufactures of Great Britain from thence.

The difficulty of transportation would be attended with one great advantage. It would give employ-

ment and bread to a number of people; and would, among other things, serve to prevent there being those terrific bands of thieves, robbers, and highwaymen, which you endeavor to draw up in such formidable array against the Congress.

It would, however, be hardly possible to block up our ports in such a manner as to cut off all communication between the colonies by water.

There would remain some avenues in spite of all that could be done; and we should not be idle in making proper use of them.

I mentioned before the vast quantities of skins in America, which would never let us want a warm and comfortable suit. This is one of our principal resources; and this you have passed over in silence. A suit made of skins would not be quite so elegant as one of broadcloth; but it would shelter us from the inclemency of the winter full as well.

Upon the whole, considering all the resources we have, and the time we shall have to prepare them before we are in actual want, there can be no room to doubt that we may live without the manufactures of Great Britain, if we are careful, frugal, and industrious.

But it is said we have no persons to manufacture our materials after we have provided them. Among the swarms of emigrants that have within these few years past come to the continent, there are numbers of manufacturers in the necessary branches. These, for want of encouragement in their own occupations, have been obliged to apply themselves to other methods of getting a living, but would be glad of an

opportunity to return to them. Besides these we should soon have a plenty of workmen from Great Britain and Ireland. Numbers who would be thrown out of employ *there*, would be glad to flock to us for subsistence. They would not stay at home and be miserable while there was any prospect of encouragement here. Neither is there any great difficulty in acquiring a competent knowledge of the manufacturing arts. In a couple of years many of our own people might become proficient enough to make the coarser kinds of stuffs and linens.

But, if it should be necessary, we have other resources besides all these. It will be impossible for the ships of Great Britain to line the vast extended coast of this continent in such a manner as to preclude the admission of foreign aids and supplies. After every possible precaution against it, we shall still be able to get large quantities of goods from France and Holland.[1]

I shall conclude this head with one more observation, which is this: That all such as may be deprived of business by the operation of our measures in America may be employed in cultivating lands. We have enough and to spare. It is of no force to object, that "when our exports are stopped our grain would become of little worth." They can be occupied in raising other things that will be more wanted, to wit, materials for manufactures; and only a suffi-

[1] You may perhaps tell me here, that I contradict the sentiments I formerly delivered, respecting unlawful trade. But it is by no means the case. I despise the practice of avaricious smugglers very heartily; but when a whole people are invaded, there can be no law of any force against their procuring every needful succor.

ciency of provisions for their own use. In such a country as this, there can be no great difficulty in finding business for all its inhabitants. Those obstacles which, to the eye of timidity or disaffection seem like the *Alps*, would, to the hand of resolution and perseverance become mere *hillocks*.

Once more I insist upon it, that Great Britain can never force us to submission by blocking up our ports, and that the consequences of such a procedure to herself, Ireland, and the West Indies, would be too fatal to admit of it. If she is determined to enslave us, it must be by force of arms; and to attempt this, I again assert, would be nothing less than *the grossest infatuation, madness itself*.

Whatever may be said of the disciplined troops of Great Britain, the event of the contest must be extremely doubtful. There is a certain enthusiasm in liberty, that makes human nature rise above itself in acts of bravery and heroism. It cannot be expected that America would yield, without a magnanimous, persevering, and bloody struggle. The testimony of past ages, and the least knowledge of mankind, must suffice to convince us of the contrary. We have a recent instance, in *Corsica*, to what lengths a people will go in defence of its liberties; and if we take a view of the colonies in general, we must perceive that the pulse of Americans beats high in their country's cause. Let us, then, suppose the arms of Great Britain triumphant, and America mutilated, exhausted, and vanquished. What situation will Great Britain then be in? What laurels will she reap from her conquests? Alas, none! Every true

friend to that deluded country must shudder at the prospect of her self-destroying success. The condition we should be left in would disable us from paying the six millions sterling, which is due for the manufactures of Great Britain. Instead of the present millions derived annually from our trade, we should be so distressed and reduced as to be, for many years to come, a burthen, and not an advantage. Millions are soon dispensed in supporting fleets and armies. Much British treasure and blood would be expended in effecting our ruin.

This, then, would be the situation of Great Britain. Her public debt would be augmented several millions. Her merchants, who are one of the principal sources of her opulence, would, many of them, become bankrupt by the loss of the vast sums due them in America. Her manufactures would stagnate and decay, and her revenues would be considerably diminished. This continent, which is now a rich source of wealth and strength, would be debilitated and depressed.

Would the ancient rivals and enemies of Great Britain be idle at such a conjuncture as this? Would they not eagerly seize the opportunity to recover their former losses, and revenge the evils they have sustained on former occasions? It will be said: This is possible, but it may not happen. I answer: Causes must fail of their usual effects if it does not. Princes and nations must cease to be ambitious and avaricious. The French, from being a jealous, politic, and enterprising people, must be grown negligent, stupid, and inattentive to their own interest. They

never could have a fairer opportunity, or a greater temptation, to aggrandize themselves and triumph over Great Britain, than would be here presented. Let us imagine England immersed in a war with France, Spain, or any other potent neighbor; with her public debt increased, some of her best springs dried up, and America ruined—not only unable to afford her any assistance, but, perhaps, fired with resentment and a sense of accumulated injuries, ready to throw itself into the arms of her enemies. In these circumstances, what would be the fate of this unhappy kingdom? Every man of discernment must be convinced that ruin would be unavoidable.

But what reason have we to believe the arms of Great Britain would prevail? It will be replied: Because she can send against us some of the best troops in the world, either with respect to valor or discipline; and because we have only a raw, unexperienced militia to oppose them. Discipline and military skill are certainly matters of great importance, and give those to whom they belong a vast superiority; but they do not render them invincible. Superior numbers, joined to natural intrepidity and that animation which is inspired by a desire of freedom and a love of one's country, may very well overbalance those advantages.

I imagine it will be readily allowed that Great Britain could not spare an army of above fifteen thousand men to send against the colonies. These would have to subdue near six hundred thousand. The established rule of computing the number of men capable of bearing arms in any nation, is by

taking a fifth part of the whole people. By the best calculations, we are supposed, in America, to exceed three millions. The fifth part of three millions is six hundred thousand. But in order to be certain of our computations, let us suppose there are only five hundred thousand fighting men in the colonies. Then there will be upward of thirty Americans to one British soldier. A great disparity indeed! And such as never can be compensated by any discipline or skill whatever! It will be objected that these five hundred thousand cannot act together. I grant it; nor is there any occasion that they should. Forty thousand will be a sufficient number to make head at a time; and these must be kept up by fresh supplies as fast as there is any diminution.

Let it be remembered that there are no large plains for the two armies to meet in and decide the contest by some decisive stroke; where any advantage gained by either side might be prosecuted till a complete victory was obtained. The circumstances of our country put it in our power to evade a pitched battle. It will be better policy to harass and exhaust the soldiery by frequent skirmishes and incursions than to take the open field with them, by which means they would have the full benefit of their superior regularity and skill. Americans are better qualified for that kind of fighting, which is most adapted to this country, than regular troops. Should the soldiery advance into the country, as they would be obliged to do if they had any inclination to subdue us, their discipline would be of little use to them. We should, in that case, be at least

upon an equality with them, in any respect; and as we should have the advantage on many accounts, they would be likely to gain nothing by their attempts.

Several of the colonies are now making preparation for the worst (and indeed the best way to avoid a civil war is to be prepared for it). They are disciplining men as fast as possible, and in a few months will be able to produce many thousands not so much inferior in the essentials of discipline as may perhaps be imagined. A little actual service will put them very nearly upon a footing with their enemies. The history of the Swedes and Russians, under Charles XII. and Peter the Great, will teach us how soon a people, possessed of natural bravery, may be brought to equal the most regular troops. The Swedes at first obtained very signal advantages, but after a while the Russians learned to defeat them with equal numbers. It is true there was one of the greatest men the world has seen at the head of the latter; but there was one who emulated the Macedonian conqueror at the head of the former. Charles was, perhaps, never surpassed by any man in courage or skill; and his soldiers were well worthy of such a general. There is also this important circumstance in our favor, when compared with the Russians. They were barbarous and untractable. We are civilized and docile. They were ignorant even of the theory of war. We are well acquainted with it, and therefore should more easily be brought to the practice of it, and be sooner taught that order and method which we are deficient in.

It is sometimes urged that we have no experienced officers to command us. We labor under some disadvantage in this respect, but not so great as is believed. There are many who have served in the last war with reputation, dispersed throughout the colonies. These might have the superior direction of matters; and there are men enough of known sense and courage who would soon make excellent officers. During the disputes between the unfortunate *Charles* and the Parliament, many country gentlemen served in the armies of the latter, and signalized themselves for their military virtues. It is worthy of observation that the present state of the army is not the most favorable. As is always the consequence of a long peace, there are many effeminate striplings among the officers, who are better calculated to marshal the forces of *Venus* than to conduct the sturdy sons of *Mars*. There are, comparatively, but few veterans, either among the leaders or the common soldiers.

You ask me: What resources have the colonies to pay, clothe, arm, and feed their troops? I refer you to the accounts of Virginia and Marblehead for an answer to this question. Our troops, on the spot with us, will be much more easily maintained than those of Great Britain at such a distance. We are not so poor and encumbered as to be unable to support those who are immediately employed in defending our liberties. Our country abounds in provisions. We have already materials enough among us, to keep us in clothes longer than Great Britain would have any appetite to continue her hostilities.

Several of the colonies are pretty well stored with ammunition. France, Spain, and Holland would find means to supply us with whatever we wanted.[1]

Let it not be said that this last is a bare *possibility;* that France and Spain have promised not to interfere in the dispute; and that Holland has long been a faithful ally to the British nation. There is the highest degree of probability in the case. A more desirable object to France and Spain than the disunion of these colonies from Great Britain cannot be imagined. Every dictate of policy and interest would prompt them to forward it by every possible means. They could not take any so effectual method to destroy the growing power of their great rival. The promises of princes and statesmen are of little weight. They never bind longer than till a strong temptation offers to break them; and they are frequently made with a sinister design. If we consult the known character of the French, we shall be disposed to conclude that their present seemingly pacific and friendly disposition is merely a piece of *finesse*, intended to dupe the administration into some violent measures with the colonies, that they may improve them to their own advantage. The most that can be expected is, that they would refrain from any open rupture with Great Britain. They would undoubtedly take every clandestine method to introduce among us supplies of those things which we stood in need of to carry on the dispute.

[1] This is certainly a very remarkable prediction for a boy of eighteen, and shows as well as anything the penetrating mind which Talleyrand appreciated when he said of Hamilton, "Il a diviné l'Europe."

They would not neglect any thing in their power to make the opposition on our part as vigorous and obstinate as our affairs would admit of.

With respect to Holland, notwithstanding express engagements to the contrary, her merchants, during the last war, were constantly supplying the French and Spaniards with military stores and other things they had occasion for. The same, or perhaps more powerful, motives would influence them to assist us in a like manner.

But it seems to me a mark of great credulity to believe, upon the strength of their assurance, that France and Spain would not take a still more interesting part in the affair. The disjunction of these colonies from Great Britain, and the acquisition of a free trade with them, are objects of too inviting a complexion to suffer those kingdoms to remain idle spectators of the contention. If they found us inclined to throw ourselves upon their protection, they would eagerly embrace the opportunity to weaken their antagonist and strengthen themselves. Superadded to these general and prevailing inducements, there are others of a more particular nature. They would feel no small inconvenience in the loss of those supplies they annually get from us; and their islands in the West Indies would be in the greatest distress for want of our trade.

From these reflections it is more than probable that America is able to support its freedom, even by the force of arms, if she be not betrayed by her own sons. And in whatever light we view the matter, the consequences to Great Britain would be too de-

structive to permit her to proceed to extremities, unless she has lost all just sense of her own interest.

You say: "The grand Congress, the *piddling* committees, through the continent, have *all* disclaimed their subjection to the sovereign authority of the empire. They deny the authority of Parliament to make any laws to bind them at all. They claim an absolute independency. Great Britain has no choice but to declare the colonies independent states, or to try the force of arms in order to bring them to a sense of their duty."

It is the common trick of ministerial writers, to represent the Congress as having made some new demands, which were unknown to former times; whereas, in truth, they have, in substance, acknowledged the only dependence on Parliament which was ever intended by their predecessors. Nor is it true, that they have claimed an *absolute independency*. It is insulting common-sense to say so, when it is notorious that they have acknowledged the right of Parliament to regulate the trade of the colonies. Any further dependence on it is unnecessary and dangerous. They have professed allegiance to the British king, and have bound themselves, on any emergency, to contribute their proportion of men and money, to the defence and protection of the whole empire. Can this be called *absolute independency?* Is it better for Great Britain to hazard the total loss of these colonies, than to hold them upon these conditions? Is it preferable to make enemies of the people of America, instead of being connected with them by the equal tie of fellow-

subjects? Is it not madness to run the risk of losing the trade of these colonies, from which the mother country drew[1] "more clear profit than Spain has drawn from all her mines," because they insist only upon all the essential rights of freemen? You may call it effrontery, consummate assurance, or what you please, to say so; but every man, capable of taking a full prospect of all the probable mischiefs which may result from an open rupture between Great Britain and the colonies, will coincide with me when I affirm that nothing but the most *frantic extravagance* can influence the administration to attempt the reduction of America by force of arms.

It is sufficiently evident, from the respective charters, that the rights we now claim are coeval with the original settlement of these colonies. These rights have been, at different times, strenuously asserted, though they have been suffered to be violated in several instances, through inattention, or, perhaps, an unwillingness to quarrel with the mother country. I shall decline producing any other proofs of the sense of the other provinces than those already mentioned, and shall confine myself to a few extracts from the resolves of some assemblies of this province.

In 1691, there was an act passed by the General Assembly, which contained the following clauses.[2]

"Be it enacted, by the Governor, Council, and

[1] See Shipley's speech.

[2] This act is very remarkable. It was drawn up by Messrs. *Tasewell* and *Emmett*, two gentlemen appointed by the governor for the purpose, and remained *six years* in England before there was a negative put upon it.

Representatives, met in General Assembly, and it is hereby enacted and declared by the authority of the same, that the *supreme legislative power and authority*, under their Majesties, William and Mary, King and Queen of England, etc., shall for ever be, and reside, in a Governor-in-Chief and Council, appointed by their Majesties, their heirs and successors, and the people by their representatives met and convened in General Assembly.

"That no freeman shall be taken or imprisoned, or be deprived of his freehold, or life, or liberty, or free customs, or outlawed, or exiled, or any otherways destroyed; nor shall be passed upon, adjudged, or condemned, but *by the lawful judgment of his peers, and by the law of the province.*

"That no *aid, tax, tallage, custom, loan, benevolence, gift, excise, duty,* or *imposition whatsoever*, shall be laid, assessed, imposed, levied, or required of, or on, any of their Majesties' subjects within this province, etc., or their estates, *upon any manner of color or pretence whatsoever*, but by the act and consent of the Governor and Council, and Representatives of the people, in General Assembly met and convened."

This act shows clearly the sense of his Majesty's representative, his Council, and the Assembly of this province, above *eighty years* ago, which was, that the supreme legislative authority, and the exclusive power of taxation, should for ever be, and reside, in a Governor-in-Chief and Council appointed by their Majesties, their heirs and successors; and the people, by their representatives met and convened in General Assembly.

We may also infer from hence, that the other colonies actually enjoyed similar privileges at that time; for it would have been the height of presumption, in this province, to claim such important immunities, had not the others been in possession of the like.

This act, of itself, confutes all that has been said concerning the novelty of our present claims; and proves, that the injurious reflections on the Congress, for having risen in their demands, are malicious and repugnant to truth.

You have produced some expressions of the Congress and Assembly of this province, in 1765, which you lay great stress upon. The true meaning of them may be gathered from the following passage, which is taken from the same piece that contains the expressions in question. The Congress speak thus: "It is humbly submitted, whether there be not a material distinction, in reason and sound policy at least, between the necessary exercise of parliamentary jurisdiction in general Acts for the amendment of the common law and the regulation of trade and commerce through the whole empire, and the exercise of that jurisdiction by imposing taxes on the colonies."

They allow only a power of making *general acts* for the amendment of the *common law* and for the general regulation of trade. As to any special laws to bind the colonies, in particular, they never intended submission to these; nor could they intend a right to impose special duties of any kind for the purpose of raising a revenue, which is to all intents and purposes a species of taxation.

The resolves of our Assembly, the last day of December, 1771, about three years afterward, will serve as a full explanation.

"As it is not only the common birthright of all his Majesty's subjects, but is also essential to the preservation of the peace, strength, and prosperity of the British empire, that an *exact equality of constitutional rights* among all his Majesty's subjects in the several parts of the empire be uniformly and invariably maintained and supported; and as it would be inconsistent with the constitutional rights of his Majesty's subjects in Great Britain to tax them, either in person or estate, without the consent of their representatives in Parliament assembled: It is therefore

"RESOLVED, *nemine contradicente:*

"That it is the opinion of this Committee, that *no tax under any name, or denomination, or on any pretence, or for any purpose whatsoever*, can or ought to be imposed, or levied, upon the persons, estates, or property of his Majesty's good subjects within this colony, *but of their free gift, by their representatives lawfully convened in General Assembly.*

"That it is the opinion of this Committee, that this colony lawfully and constitutionally has, and enjoys, an internal legislature, in which the Crown and the people of this colony are constitutionally represented; and that *the power and authority of the said legislature cannot lawfully or constitutionally be suspended, abridged, abrogated, or annulled, by any power or prerogative whatsoever;* the prerogative of the crown, ordinarily exercised for prorogations and dissolutions, only excepted."

A supreme authority in the Parliament to make any special laws for this province, consistent with the internal legislature here claimed, is impossible and cannot be supposed, without falling into that solecism in politics, of *imperium in imperio.*

I imagine sir, I have, by this time pretty fully and satisfactorily answered every thing contained in your letter of any consequence. The parts I have left unattended to are such as cannot operate, materially, to the prejudice of the cause I espouse; but I should not have neglected them, had it not been that I have already taken a very ample range, and it would perhaps be imprudent to delay a conclusion.

Whatever opinion may be entertained of my sentiments and intentions, I attest that Being, whose all-seeing eye penetrates the inmost recesses of the heart, that I am not influenced (in the part I take) by any unworthy motive; that, if I am in an error, it is my judgment, not my heart, that errs; that I earnestly lament the unnatural quarrel between the parent state and the colonies, and most ardently wish for a speedy reconciliation—a perpetual and *mutually* beneficial union; that I am a warm advocate for limited monarchy, and an unfeigned well-wisher to the present Royal Family.

But, on the other hand, I am inviolably attached to the essential rights of mankind and the true interests of society. I consider civil liberty, in a genuine, unadulterated sense, as the greatest of terrestrial blessings. I am convinced that the whole human race is entitled to it, and that it can be wrested from

no part of them without the blackest and most aggravated guilt.

I verily believe, also, that the best way to secure a permanent and happy union between Great Britain and the colonies, is to permit the latter to be as free as they desire. To abridge their liberties, or to exercise any power over them which they are unwilling to submit to, would be a perpetual source of discontent and animosity. A continual jealousy would exist on both sides. This would lead to tyranny on the one hand, and to sedition and rebellion on the other. Impositions, not really grievous in themselves, would be thought so, and the murmurs arising from thence would be considered as the effect of a turbulent, ungovernable spirit. These jarring principles would at length throw all things into disorder, and be productive of an irreparable breach and a total disunion.

That harmony and mutual confidence may speedily be restored between all the parts of the British empire, is the favorite wish of one who feels the warmest sentiments of good-will to mankind, who bears no enmity to you, and who is

A SINCERE FRIEND TO AMERICA.

REMARKS ON THE QUEBEC BILL

REMARKS ON THE QUEBEC BILL[1]

1775

NO. I

IN compliance with my promise to the public,[2] and in order to rescue truth from the specious disguise with which it has been clothed, I shall now offer a few remarks on the act entitled "An act for making more effectual provision for the government of the province of Quebec in North America"; whereby I trust it will clearly appear that arbitrary power and its great engine, the Popish religion, are, to all intents and purposes, established in that province.

While Canada was under the dominion of France, the French laws and customs were in force there,

[1] An Act to Regulate the Government of Quebec. Passed by Parliament in 1774.

[2] Hamilton wrote for Holt's *Journal* for some time before he published his answers to the Farmer. His first article was on the destruction of the tea at Boston, and he continued to write in the newspapers during the year. After the appearance of the "Farmer" pamphlets he became locally famous, and his "promise" probably refers to some pledge made by him in the *Journal*. The Quebec Bill was odious to the colonists on account of its liberty toward the Catholic population of Canada, and it was to this feeling that Hamilton appealed, in these remarks, in order to still further arouse hostility to England. The bill also formed a bad precedent by its arbitrary method of handling colonial affairs.

which are regulated in conformity to the genius and complexion of a despotic constitution, and expose the lives and properties of subjects to continual depredation from the malice and avarice of those in authority. But when it fell under the dominion of Great Britain, these laws, so unfriendly to the happiness of society, gave place, of course, to the milder influence of the English laws, and his Majesty, by proclamation, promised to all those who should settle there a full enjoyment of the rights of British subjects. In violation of this promise, the act before us declares: "That the said proclamation and the commission under the authority whereof the government of the said province is at present administered, be, and the same are, hereby revoked, annulled, and made void, from and after the first day of May, one thousand seven hundred and seventy-five." This abolition of the privileges stipulated by the proclamation was not inflicted as a penalty for any crime by which a forfeiture had been incurred, but merely on pretence of the present form of government having been found by experience to be inapplicable to the state and circumstances of the province.

I have never heard any satisfactory account concerning the foundation of this pretence, for it does not appear that the people of Canada, at large, ever expressed a discontent with their new establishment, or solicited a restoration of their old. They were, doubtless, the most proper judges of the matter, and ought to have been fully consulted before the alteration was made. If we may credit the general cur-

rent of intelligence which we have had respecting the disposition of the Canadians, we must conclude they are averse to the present regulation of the Parliament, and had rather continue under the form of government instituted by the Royal proclamation.

However this be, the French laws are again revived. It is enacted: "That in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that hereafter shall be instituted in any of the courts of justice, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied and altered by any ordinances that shall, from time to time, be passed in the said province, by the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, by and with the advice and consent of the Legislative Council of the same." Thus the ancient laws of Canada are restored, liable to such variations and additions as shall be deemed necessary by the Governor and Council; and as both the one and the other are to be appointed by the king during pleasure, they will be all his creatures, and entirely subject to his will, which is thereby rendered the original fountain of law; and the property and civil rights of the Canadians are made altogether dependent upon it, because the power communicated, of varying and altering, by new ordinances, is indefinite and unlimited. If this does not make the king absolute in Canada, I am at a loss for any tolerable idea of absolute authority, which I have ever

thought to consist, with respect to a monarch, in the power of governing his people according to the dictates of his own will. In the present case, he has only to inform the Governor and Council what new laws he would choose to have passed, and their situation will insure their compliance.

It is further provided: "That nothing contained in the act, shall extend, or be construed to extend, to prevent or hinder his Majesty, his heirs and successors, from erecting, constituting, and appointing, from time to time, such courts of criminal, civil, and ecclesiastical jurisdiction, within and for the said province of Quebec, and appointing, from time to time, the judges and officers thereof, as his Majesty, his heirs and successors, shall think necessary for the circumstances of the said province."

Here a power of a most extraordinary and dangerous nature is conferred. There must be an end of all liberty where the prince is possessed of such an exorbitant prerogative as enables him, at pleasure, to establish the most iniquitous, cruel, and oppressive courts of criminal, civil, and ecclesiastical jurisdiction; and to appoint temporary judges and officers, whom he can displace and change as often as he pleases. For what can more nearly concern the safety and happiness of subjects, than the wise economy, and equitable constitution of those courts in which trials for life, liberty, property, and religion are to be conducted? Should it ever comport with the designs of an ambitious and wicked minister, we may see an Inquisition erected in Canada, and priestly tyranny hereafter find as pro-

pitious a soil in America as it ever has in Spain or Portugal.

But in order to varnish over the arbitrary complexion of the act, and to conciliate the minds of the Canadians, it is provided: "That whereas, the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years; Therefore, the same shall be administered and shall be observed as law, in the province of Quebec, to the exclusion of every rule of criminal law which did, or might, prevail in said province before the year one thousand seven hundred and sixty-four."

As "it is in the goodness of criminal laws that the liberty of the subject principally depends,"[1] this would have been an important privilege, had it not been rendered uncertain and alienable by the latter part of the same clause, which makes them "subject to such alterations and amendments as the Governor, Lieutenant Governor, and Commander-in-Chief for the time being, by and with the advice and consent of the Legislative Council of the same, shall, from time to time, cause to be made therein."

Under the notion of necessary alterations and amendments, the king, through the medium of his creatures, the Governor and Council, may entirely new mould the criminal laws of Canada, and make them subservient to the most tyrannical views. So that, in this respect, also, the principle of arbitrary power, which is the soul of the act, is uniformly

[1] Montesquieu.

maintained and preserved, in full vigor, without the least real or effectual diminution.

It has been denied, with the most palpable absurdity, that the right of trial by juries is taken from the Canadians. It is said that the provincial legislature of Canada may introduce them as soon as they please, and it is expected that they will, "as soon as the inhabitants desire them," or "the state of the country will admit of them."

A civil right is that which the laws and the constitution have actually conferred, not that which may be derived from the future bounty and beneficence of those in authority. The possibility that the Legislature of Canada may hereafter introduce trials by juries, does not imply a right in the people to enjoy them. For in the same sense it may be said that the inhabitants of France, or Spain, have a right to trial by juries, because it is equally in the power of their Legislatures to establish them.

Since, therefore, it is apparent that a system of French laws has been established in the province of Quebec, and an indefinite power vested in the king, to vary and alter these laws, as also to constitute such courts of criminal, civil, and ecclesiastical jurisdiction and to introduce such a form of criminal law as he shall judge necessary; I say, since all this is deducible from the express letter of the act, or, in other words, since the whole legislative, executive, and judiciary powers are ultimately and effectually, though not immediately, lodged in the king, there can be no room to doubt that an arbitrary government has been really instituted throughout the ex-

tensive region now comprised in the province of Quebec.

NO. II

Having considered the nature of this bill with regard to civil government, I am next to examine it with relation to religion, and to endeavor to show that the Church of Rome has now the sanction of a legal establishment in the province of Quebec.

In order to do this the more satisfactorily I beg leave to adopt the definition given of an established religion by a certain writer who has taken great pains to evince the contrary. "An established religion," says he, "is a religion which the civil authority engages not only to protect but to support." This act makes effectual provision not only for the protection but for the permanent support of Popery, as is evident from the following clause: "And for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared that his Majesty's subjects, professing the religion of the Church of Rome, in the said province, may have, hold, and enjoy the free exercise of the religion of the Church of Rome, subject to the king's supremacy, etc., and that the clergy of the said Church may hold, receive, and enjoy their accustomed dues and rights," etc.

This is represented as a bare permission to the clergy to enjoy the usual emoluments of their functions, and not as a legal provision for their support. Much stress seems to be laid on the word "*may*," which is commonly italicized. But though the phraseology be artful, yet it is easy to perceive that

it operates to the same effect as if it had been more positive and emphatical.

The clergy "may hold, receive, and enjoy their accustomed dues and rights." They may if they please. It is at their option, and must depend upon their will; and, consequently, there must be a correspondent obligation upon their parishioners to comply with that will, and to pay those dues when required. What the law gives us an unconditional permission to enjoy, no person can legally withhold from us. It becomes our property, and we can enforce our right to it. If the Legislature of this colony were to decree that the clergy of the different denominations may hold, receive, and enjoy tithes of their respective congregations, we should soon find that it would have the same efficacy as if it were decreed that the several congregations should pay tithes to their respective clergy. For, otherwise, the Legislature might confer a right which had no correlative obligation, and which must, therefore, be void and inefficacious. But this is contradictory and impossible.

"Tithes in Canada," it is said, "are the property of the Roman Church; and permitting a tolerated church to enjoy its own property, is far short of the idea of an establishment." But I should be glad to know, in the first place, how tithes can be the property of any but of an established church? And in the next, how they came to be the property of the Romish Church in Canada, during the intermediate space between the surrender of that province to the English and the passing of this act? Nothing can

be deemed my property, to which I have not a perfect and uncontrollable right by the laws. If a church have not a similar right to tithes, it can have no property in them; and if it have, it is plain the laws must have made provision for its support, or, in other words, must have established it.

Previous to the surrender of Canada the Catholic religion was established there by the laws of France; and tithes were, on that account, the legal property of the Church of Rome, and could not be withheld by the laity though ever so much disposed to it. But after the surrender this circumstance took a different turn. The French laws being no longer in force, the establishment of the Romish Church ceased of course, and with it the property which it before had in tithes.

It is true the clergy may have continued to receive and enjoy their customary dues, tithes, and other perquisites; but they were not for all that the property of the church, because it had lost its legal right to them, and it was at the discretion of the laity to withhold them, if they had thought proper, or to abridge them, and place them upon a more moderate footing. Their voluntary concurrence was necessary to give their priests a right to demand them as before. But by the late act this matter is again put into its former situation. Tithes are now become the *property* of the church as formerly, because it again has a legal claim to them, and the conditional consent of the people is set aside. Thus we see that this act does not, in fact, permit a tolerated church to enjoy "its own property," but gives

it a real and legal property in that which it before held from the bounty and liberality of its professors, and which they might withhold or diminish at pleasure; and this, in the most proper sense, converts it into an establishment.

The characteristic difference between a tolerated and established religion consists in this: With respect to the support of the former, the law is passive and improvident, leaving it to those who profess it to make as much, or as little, provision as they shall judge expedient; and to vary and alter that provision, as their circumstances may require. In this manner the Presbyterians and other sects are tolerated in England. They are allowed to exercise their religion without molestation, and to maintain their clergy as they think proper. These are wholly dependent upon their congregations, and can exact no more than they stipulate and are satisfied to contribute. But with respect to the support of the latter, the law is active and provident. Certain precise dues (tithes, etc.) are legally annexed to the clerical office, independent on the liberal contributions of the people; which is exactly the case with the Canadian priests; and, therefore, no reasonable, impartial man will doubt that the religion of the Church of Rome is established in Canada. While tithes were the free, though customary, gift of the people, as was the case before the passing of the act in question, the Roman Church was only in a state of toleration; but when the law came to take cognizance of them, and, by determining their permanent existence, destroyed the free agency of the people,

it then resumed the nature of an establishment, which it had been divested of at the time of the capitulation.

As to the Protestant religion, it is often asserted that ample provision has been made by the act for its future establishment; to prove which the writer before mentioned has quoted a clause in the following mutilated manner: "It is provided," says he, "that his Majesty, his heirs or successors, may make such provision out of the accustomed dues, or rights, for the encouragement of the Protestant religion, and for the maintenance of a Protestant clergy within the said province, as he or they shall, from time to time, think necessary and expedient."

It must excite a mixture of anger and disdain to observe the wretched arts to which a designing administration and its abettors are driven in order to conceal the enormity of their measures. This whole clause, in its true and original construction, is destitute of meaning; and was evidently inserted for no other end than to *deceive* by the *appearance* of a provident regard for the Protestant religion. The act first declares: "That his Majesty's subjects professing the religion of the Church of Rome may have and enjoy the free exercise of their religion; and that the clergy of the said church may hold, receive, and enjoy their accustomed dues and rights." Then follows this clause: "Provided, nevertheless, that it shall be lawful for his Majesty, his heirs and successors, to make such provision, out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, for the maintenance

and support of a Protestant clergy within the said province, as he or they shall, from time to time, think necessary and expedient."

Thus we see the Romish clergy are to have, hold, and enjoy their accustomed dues and rights, and the *rest* and remainder of them is to be applied toward the encouragement of the Protestant religion; but when they have had their wonted dues, I fancy it will puzzle the administration, by any effort of political chemistry, to produce the *rest*, or remainder. Suppose, for instance, A made an actual settlement of a hundred pounds on B; and, by a subsequent act, should declare that B should continue to hold and enjoy his accustomed and annual bounty; and that the *rest* of the said bounty should be given to C: it is evident that C would have nothing, because there would be no *rest* whatever. Exactly parallel and analogous is the case in hand. The Romish priests are to have their accustomed dues and rights; and the *rest* of the said dues and rights is to be dedicated to the encouragement of the Protestant religion. In the above-recited quotation there is a chasm, the words "the *rest* of" being artfully omitted, to give the passage some meaning which it has not in itself. With this amendment, the sense must be that his Majesty might appropriate what portion of the customary revenues of the Romish clergy he should think proper to the support and maintenance of Protestant churches. But, according to the real words of the act, he can only devote "the rest," or remainder, of such revenues to that purpose, which, as I have already shown, is nothing.

So that the seeming provision in favor of the Protestant religion is entirely verbal and delusory. Excellent must be the enccuragement it will derive from this source. But this is not all. Had there been really provision made, to be applied at the discretion of his Majesty, I should still consider this act as an atrocious infraction on the rights of Englishmen, in a point of the most delicate and momentous concern. No Protestant Englishman would consent to let the free exercise of his religion depend upon the mere pleasure of any man, however great or exalted. The privilege of worshipping the Deity in the manner his conscience dictates, which is one of the dearest he enjoys, must in that case be rendered insecure and precarious. Yet this is the unhappy situation to which the Protestant inhabitants of Canada are now reduced.

The will of the king must give law to their consciences. It is in his power to keep them for ever dispossessed of all religious immunities, and there is too much reason to apprehend that the same motives which instigated the act would induce him to give them as little future encouragement as possible.

I imagine it will clearly appear, from what has been offered, that the Roman Catholic religion, instead of being tolerated, as stipulated by the treaty of peace, is established by the late act, and that the Protestant religion has been left entirely destitute and unbefriended in Canada. But if there should be any who think that the indulgence granted does not extend to a perfect establishment, and that it

may be justified by the terms of the treaty and the subsequent conduct of the Canadians, and if they should also be at a loss to perceive the dangerous nature of the act, with respect to the other colonies, I would beg their further attention to the following considerations.

However justifiable this act may be in relation to the province of Quebec, with its ancient limits, it cannot be defended by the least plausible pretext, when it is considered as annexing such a boundless extent of new territory to the old.

If a free form of government had "been found by experience to be inapplicable to the state and circumstances of the province," and if "a toleration less generous—although it might have fulfilled the letter of the articles of the treaty—would not have answered the expectations of the Canadians, nor have left upon their minds favorable impressions of British justice and honor,"—if these reasons be admitted as true, and allowed their greatest weight, they only prove that it might be just and politic to place the province of Quebec, alone, with its former boundaries, in the circumstances of civil and religious government which are established by this act. But when it is demanded, why it has also added the immense tract of country that surrounds all these colonies to that province, and has placed the whole under the same exceptionable institutions, both civil and religious, the advocates for administration must be confounded and silenced.

This act develops the dark designs of the ministry more fully than any thing they have done, and shows

that they have formed a systematic project of absolute power.

The present policy of it is evidently this: By giving a legal sanction to the accustomed dues of the priests, it was intended to interest them in behalf of the administration; and by means of the dominion they possessed over the minds of the laity, together with the appearance of good-will toward their religion, to prevent any dissatisfaction which might arise from the loss of their civil rights, and to propitiate them to the great purposes in contemplation—first, the subjugation of the colonies, and afterward that of Great Britain itself. It was necessary to throw out some such lure to reconcile them to the exactions of that power which has been communicated to the king, and which the emergency of the times may require in a very extensive degree.

The future policy of it demands particular attention. The nature of its civil government will hereafter put a stop to emigrations from other parts of the British dominions thither, and from all other free countries. The preeminent advantages secured to the Roman Catholic religion will discourage all Protestant settlers, of whatever nation; and on these accounts, the province will be settled and inhabited by none but Papists. If lenity and moderation are observed in administering the laws, the natural advantages of this fertile infant country, united to the indulgence given to their religion, will attract droves of emigrants from all the Roman Catholic States in Europe, and these colonies, in time, will find themselves encompassed with innumerable hosts of

neighbors, disaffected to them, both because of difference in religion and government. How dangerous their situation would be, let every man of common-sense judge.

What can speak in plainer language the corruption of the British Parliament than this act, which invests the king with absolute power over a little world (if I may be allowed the expression), and makes such ample provision for the Popish religion, and leaves the Protestant in such a dependent, disadvantageous situation, that he is like to have no other subjects in this part of his domain, than Roman Catholics, who, by reason of their implicit devotion to their priests, and the superlative reverence they bear those who countenance and favor their religion, will be the voluntary instruments of ambition, and will be ready, at all times, to second the oppressive designs of the administration against the other parts of the empire.

Hence, while our ears are stunned with the dismal sounds of New England's republicanism, bigotry, and intolerance, it behooves us to be upon our guard against the deceitful wiles of those who would persuade us that we have nothing to fear from the operation of the Quebec Act. We should consider it as being replete with danger to ourselves, and as threatening ruin to our posterity. Let us not, therefore, suffer ourselves to be terrified at the prospect of an imaginary and fictitious Scylla; and, by that means, be led blindfold into a real and destructive Charybdis.

PUBLIUS

PUBLIUS [1]

POUGHKEEPSIE, October 19, 1778.

MR. HOLT:

There are abuses in the state which demand an immediate remedy. Important political characters must be brought upon the stage, and animadverted upon with freedom. The opinion I have of the independence of your spirit convinces me you will ever be a faithful guardian of the liberty of the press, and determines me to commit to you the publication of a series of letters, which will give you an opportunity of exemplifying it.

The following is by way of prelude. You may depend I shall always preserve the decency and respect due either to the Government of the United States, or to the government of any particular State; but I shall not conceive myself bound to use any extraordinary ceremony with the characters of corrupt individuals, however exalted their stations.

To the Printer of the New York "Journal."

SIR:—While every method is taken to bring to justice those men whose principles and practices have

[1] These letters explain themselves. The feebleness and laxity of Congress had for a long time excited the reprobation of Washington and his friends. The immediate cause of these letters came from the revelation by a member of Congress of a secret plan to relieve the distress of the army in order to make money by forestalling the market.

been hostile to the present revolution, it is to be lamented that the conduct of another class, equally criminal, and, if possible, more mischievous, has hitherto passed with impunity, and almost without notice. I mean that tribe who, taking advantage of the times, have carried the spirit of monopoly and extortion to an excess which scarcely admits of a parallel. Emboldened by the success of progressive impositions, it has extended to all the necessaries of life. The exorbitant price of every article, and the depreciation upon our currency, are evils derived essentially from this source. When avarice takes the lead in a state, it is commonly the forerunner of its fall. How shocking is it to discover among ourselves, even at this early period, the strongest symptoms of this fatal disease.

There are men in all countries, the business of whose lives it is to raise themselves above indigence by every little art in their power. When these men are observed to be influenced by the spirit I have mentioned, it is nothing more than might be expected, and can only excite contempt. When others, who have characters to support, and credit enough in the world to satisfy a moderate appetite for wealth, in an honorable way, are found to be actuated by the same spirit, our contempt is mixed with indignation. But when a man, appointed to be the guardian of the state and the depositary of the happiness and morals of the people, forgetful of the solemn relation in which he stands, descends to the dishonest artifices of a mercantile projector, and sacrifices his conscience and his trust to pecuniary

motives, there is no strain of abhorrence of which the human mind is capable, no punishment the vengeance of the people can inflict, which may not be applied to him with justice.

If it should have happened that a member of Congress has been this degenerate character, and has been known to turn the knowledge of secrets to which his office gave him access to the purposes of private profit, by employing emissaries to engross an article of immediate necessity to the public service, he ought to feel the utmost rigor of public resentment, and be detested as a traitor of the worst and most dangerous kind.

PUBLIUS.

October 26, 1778.

The Honorable ———, *Esq.*[1]

SIR:—The honor of being a hero of a public panegyric is what you could hardly have aspired to, either from your talents, or from your good qualities. The partiality of your friends has never given you credit for more than mediocrity in the former; and experience has proved that you are indebted for all your consequence to the reverse of the latter. Had you not struck out a new line of prostitution for yourself, you might still have remained unnoticed and contemptible—your name scarcely known beyond the little circle of your electors and clients, and

[1] Mr. Samuel Chase, of Maryland, was the member of Congress attacked in this letter, and the affair aroused at the time much indignation and interest. I am indebted for this information to Mr. Worthington C. Ford, of Washington, who has kindly pointed out these facts in a letter to the *New York Evening Post*, dated November 1, 1886.

recorded only in the journals of C——ss. But you have now forced yourself into view, in a light too singular and conspicuous to be overlooked, and have acquired an undisputed title to be immortalized in infamy. I admire the boldness of your genius, and confess you have exceeded expectation. Though from your first appearance in the world you gave the happiest presages of your future life, and the plainest marks of your being unfettered by any of those nice scruples from which men of principle find so much inconvenience, yet your disposition was not understood in its full extent. You were thought to possess a degree of discretion and natural timidity which would restrain you from any hazardous extremes. You have the merit both of contradicting this opinion, and discovering that, notwithstanding our youth and inexperience as a nation, we begin to emulate the most veteran and accomplished states in the art of corruption. You have shown that America can already boast at least one public character as abandoned as any the history of past or present times can produce.

Were your associates in power of a congenial temper with yourself, you might hope that your address and dexterity upon a late occasion would give a new and advantageous impression of your abilities, and recommend you to employment in some important negotiation, which might afford you other opportunities of gratifying your favorite inclination at the expense of the public.

It is unfortunate for the reputation of Governor Johnston, and for the benevolent purposes of his

royal master, that he was not acquainted with the frailties of your character before he made his experiment on men whose integrity was above temptation. If he had known you, and had thought your services worth purchasing, he might have played a sure game, and avoided the risk of exposing himself to contempt and ridicule. And you, sir, might have made your fortune at one decisive stroke.

It is matter of curious inquiry, what could have raised you in the first instance, and supported you since in your present elevation. I never knew a single man but was ready to do ample justice to your demerit. The most indulgent opinion of the qualifications of your head and heart could not offend the modest delicacy of your ear, or give the smallest cause of exultation to your vanity. It is your lot to have the peculiar privilege of being universally despised. Excluded from all resource to your abilities or virtues, there is only one way in which I can account for the rank you hold in the political scale. There are seasons in every country when noise and impudence pass current for worth; and in popular commotions especially, the clamors of interested and factious men are often mistaken for patriotism. You prudently took advantage of the commencement of the contest, to ingratiate yourself in the favor of the people, and gain an ascendant in their confidence by appearing a zealous assertor of their rights. No man will suspect you of the folly of public spirit—a heart notoriously selfish exempts you from any charge of this nature, and obliges us to resolve the part you took into opposite principles. A desire of popularity

and a rivalship with the ministry will best explain them. Their attempt to *confine* the sale of a lucrative article of commerce to the East India Company, must have been more unpardonable in the sight of a *monopolist* than the most daring attack upon the public liberty. There is a vulgar maxim which has pointed emphasis in your case, and has made many notable patriots in this dispute.

It sometimes happens that a temporary caprice of the people leads them to make choice of men whom they neither love nor respect; and that they afterward, from an indolent and mechanical habit natural to the human mind, continue their confidence and support merely because they had once conferred them. I cannot persuade myself that your influence rests upon a better foundation, and I think the finishing touch you have given to the profligacy of your character must rouse the recollection of the people, and force them to strip you of a dignity which sets so awkwardly upon you, and consign you to that disgrace which is due to a scandalous perversion of your trust. When you resolved to avail yourself of the extraordinary demand for the article of flour which the wants of the French fleet must produce, and which your official situation early impressed on your attention, to form connections for monopolizing that article, and raising the price upon the public more than one hundred per cent.; when by your intrigues and studied delays you protracted the determination of the C——tt—e of C——ss on the proposals made by Mr. W—sw—th,[1] C——ss—y

[1] General Wadsworth, of Connecticut.

G——n——l, for procuring the necessary supplies for the public use, to give your agents time to complete their purchases;—I say when you were doing all this, and engaging in a traffic infamous in itself, repugnant to your station, and ruinous to your country, did you pause and allow yourself a moment's reflection on the consequences? Were you infatuated enough to imagine you would be able to conceal the part you were acting? Or had you conceived a thorough contempt of reputation, and a total indifference to the opinion of the world? Enveloped in the promised gratifications of your avarice, you probably forgot to consult your understanding, and lost sight of every consideration that ought to have regulated the man, the citizen, the statesman.

I am aware that you could never have done what you have without first obtaining a noble victory over every sentiment of honor and generosity. You have therefore nothing to fear from the reproaches of your own mind. Your insensibility secures you from remorse. But there are arguments powerful enough to extort repentance, even from a temper as callous as yours. You are a man of the world, sir; your self-love forces you to respect its decisions, and your utmost credit with it will not bear the test of your recent enormities, or screen you from the fate you deserve.

November 16, 1778.

The Honorable ——, Esq.

SIR:—It may appear strange that you should be made a second time the principal figure of a piece

intended for the public eye. But a character, insignificant in every other respect, may become interesting from the number and magnitude of its vices. In this view you have a right to the first marks of distinction, and I regret that I feel any reluctance to render you the liberal tribute you deserve. But I reverence humanity, and would not wish to pour a blush upon the cheeks of its advocates. Were I inclined to make a satire upon the species I would attempt a faithful description of your heart. It is hard to conceive, in theory, one of more finished depravity. There are some men whose vices are blended with qualities that cast a lustre upon them, and force us to admire while we detest! Yours are pure and unmixed, without a single solitary excellence even to serve for contrast and variety.

The defects, however, of your private character shall pass untouched. This is a field in which your personal enemies may expatiate with pleasure. I find it enough to consider you in a public capacity.

The station of a member of C——ss is the most illustrious and important of any I am able to conceive. He is to be regarded not only as a legislator, but as a founder of an empire. A man of virtue and ability, dignified with so precious a trust, would rejoice that fortune had given him birth at a time, and placed him in circumstances, so favorable for promoting human happiness. He would esteem it not more the duty than the privilege and ornament of his office to do good to all mankind. From this commanding eminence he would look down with contempt upon every mean or interested pursuit.

To form useful alliances abroad—to establish a wise government at home—to improve the internal resources and finances of the nation—would be the generous objects of his care. He would not allow his attention to be diverted from these to intrigue for personal connections to confirm his own influence; nor would he be able to reconcile it, either to the delicacy of his honor or to the dignity of his pride, to confound in the same person the representative of the commonwealth and the little member of a trading company. Anxious for the permanent power and prosperity of the state, he would labor to perpetuate the union and harmony of the several parts. He would not meanly court a temporary importance by patronizing the narrow views of local interest, or by encouraging dissensions either among the people or in C——ss. In council or debate he would discover the candor of a statesman zealous for truth, and the integrity of a patriot studious of the public welfare; not the cavilling petulance of an attorney contending for the triumph of an opinion, nor the perverse duplicity of a partisan devoted to the service of a cabal. Despising the affectation of superior wisdom, he would prove the extent of his capacity by foreseeing evils, and contriving expedients to prevent or remedy them. He would not expose the weak sides of the States to find an opportunity of displaying his own discernment by magnifying the follies and mistakes of others. In his transactions with individuals, whether foreigners or countrymen, his conduct would be guided by the sincerity of a man, and the politeness of a gentleman;

not by the temporizing flexibility of a courtier, nor the fawning complaisance of a sycophant.

You will not be at a loss, sir, in what part of this picture to look for your own resemblance; nor have I the least apprehension that you will mistake it on the affirmative side. The happy indifference with which you view those qualities most esteemed for their usefulness to society will preserve you from the possibility of an illusion of this kind. Content with the humble merit of possessing qualities useful only to yourself, you will contemplate your own image on the opposite side with all the satisfaction of conscious deformity.

It frequently happens that the excess of one selfish passion either defeats its own end, or counteracts another. This, if I am not mistaken, is your case. The love of money and the love of power are the predominating ingredients of your mind; cunning, the characteristic of your understanding. This has hitherto carried you successfully through life, and has alone raised you to the exterior consideration you enjoy. The natural consequence of success is temerity. It has now proceeded one step too far, and precipitated you into measures from the consequence of which you will not easily extricate yourself. Your avarice will be fatal to your ambition. I have too good an opinion of the sense and spirit, to say nothing of the virtue, of your countrymen, to believe they will permit you any longer to abuse their confidence or trample upon their honor. Admirably fitted in many respects for the meridian of St. James, you might there make the worthy repre-

sentative of a venal borough, but you ought not to be suffered to continue to sully the majesty of the people in an American C——ss.

It is a mark of comparison, to which you are not entitled, to advise you by a timely and voluntary retreat to avoid the ignominy of a formal dismission. Your career has held out as long as you could have hoped. It is time you should cease to personate the fictitious character you have assumed, and appear what you really are. Lay aside the mask of patriotism, and assert your station among the honorable tribe of speculators and projectors. Cultivate a close alliance with your ——— and your ———, the accomplices and instruments of your guilt, and console yourself for the advantage you have lost, by indulging your genius without restraint in all the forms and varieties of fashionable peculation.

PUBLIUS.

THE GOVERNMENT AND THE CONSTITUTION

THE GOVERNMENT AND THE CONSTITUTION

HAMILTON TO JAMES DUANE.[1]

LIBERTY POLE, September 3, 1780.

DEAR SIR:

Agreeably to your request, and my promise, I sit down to give you my ideas of the defects of our present system, and the changes necessary to save us from ruin. They may, perhaps, be the reveries of a projector, rather than the sober views of a politician. You will judge of them, and make what use you please of them.

The fundamental defect is a want of power in Congress. It is hardly worth while to show in what this consists, as it seems to be universally acknowledged; or to point out how it has happened, as the only question is how to remedy it. It may, however, be said, that it has originated from three causes: an excess of the spirit of liberty, which has made the

[1] This is the first of Hamilton's papers on the subject of government. His earliest essays on this subject and finance are in the form of letters, but they find a more appropriate place here than in his private correspondence. This letter is of marked ability, and shows strikingly the author's precocious genius. Like most of Hamilton's writings it tells its own story and needs no annotation. Such modifications of opinion as he afterwards experienced are shown in his subsequent writings.

particular States show a jealousy of all power not in their own hands,—and this jealousy has led them to exercise a right of judging in the last resort of the measures recommended by Congress, and of acting according to their own opinions of their propriety, or necessity; a diffidence, in Congress, of their own powers, by which they have been timid and indecisive in their resolutions, constantly making concessions to the States, till they have scarcely left themselves the shadow of power; a want of sufficient means at their disposal to answer the public exigencies, and of vigor to draw forth those means, which have occasioned them to depend on the States individually to fulfil their engagements with the army, —the consequence of which has been to ruin their influence and credit with the army, to establish its dependence on each State separately, rather than *on them*—that is, rather than on the whole collectively.

It may be pleaded that Congress had never any definite powers granted them, and of course could exercise none, could do nothing more than recommend. The manner in which Congress was appointed would warrant, and the public good required that they should have considered themselves as vested with full power *to preserve the republic from harm.* They have done many of the highest acts of sovereignty, which were always cheerfully submitted to: The declaration of independence, the declaration of war, the levying of an army, creating a navy, emitting money, making alliances with foreign powers, appointing a dictator, etc. All these implications of a complete sovereignty were

never disputed, and ought to have been a standard for the whole conduct of administration. Undefined powers are discretionary powers, limited only by the object for which they were given; in the present case the independence and freedom of America. The Confederation made no difference, for as it has not been generally adopted, it had no operation. But from what I recollect of it, Congress have even descended from the authority which the spirit of that act gives them, while the particular States have no further attended to it than as it suited their pretensions and convenience. It would take too much time to enter into particular instances, each of which separately might appear inconsiderable, but united are of serious import. I only mean to remark, not to censure.

But the Confederation itself is defective, and requires to be altered. It is neither fit for war nor peace. The idea of an uncontrollable sovereignty in each State over its internal police will defeat the other powers given to Congress, and make our union feeble and precarious. There are instances without number where acts, necessary for the general good, and which rise out of the powers given to Congress, must interfere with the internal police of the States; and there are as many instances in which the particular States, by arrangements of internal police, can effectually, though indirectly, counteract the arrangements of Congress. You have already had examples of this, for which I refer you to your own memory.

The Confederation gives the States, individually,

too much influence in the affairs of the army. They should have nothing to do with it. The entire formation and disposal of our military forces ought to belong to Congress. It is an essential cement of the union; and it ought to be the policy of Congress to destroy all ideas of State attachments in the army, and make it look up wholly to them. For this purpose all appointments, promotions, and provisions, whatsoever, ought to be made by them. It may be apprehended that this may be dangerous to liberty. But nothing appears more evident to me than that we run much greater risk of having a weak and disunited federal government, than one which will be able to usurp upon the rights of the people.

Already some of the lines of the army would obey their States in opposition to Congress, notwithstanding the pains we have taken to preserve the unity of the army. If any thing would hinder this it would be the personal influence of the General—a melancholy and mortifying consideration.

The forms of our State constitutions must always give them great weight in our affairs, and will make it too difficult to bend them to the pursuit of a common interest, too easy to oppose whatever they do not like, and to form partial combinations subversive of the general one. There is a wide difference between our situation and that of an empire under one simple form of government, distributed into counties, provinces, or districts, which have no Legislatures, but merely magistratical bodies to execute the laws of a common sovereign. Here the danger is that the sovereign will have too much

power, and oppress the parts of which it is composed. In our case, that of an empire composed of confederated States, each with a government completely organized within itself, having all the means to draw its subjects to a close dependence on itself, the danger is directly the reverse. It is that the common sovereign will not have power sufficient to unite the different members together, and direct the common forces to the interest and happiness of the whole.

The leagues among the old Grecian republics are a proof of this. They were continually at war with each other, and for want of union fell a prey to their neighbors. They frequently held general councils; but their resolutions were no further observed than as they suited the interests and inclinations of all the parties, and at length they sank entirely into contempt.

The Swiss Cantons are another proof of the doctrine. They have had wars with each other, which would have been fatal to them, had not the different powers in their neighborhood been too jealous of one another, and too equally matched, to suffer either to take advantage of their quarrels. That they have remained so long united at all, is to be attributed to their weakness, to their poverty, and to the causes just mentioned. These ties will not exist in America; a little time hence some of the States will be powerful empires; and we are so remote from other nations, that we shall have all the leisure and opportunity we can wish to cut each other's throats.

The Germanic corps might also be cited as an example in favor of the position.

The United Provinces may be thought to be one against it. But the family of the Stadtholders, whose authority is interwoven with the whole government, has been a strong link of union between them. Their physical necessities, and the habits founded upon them, have contributed to it. Each province is too inconsiderable, by itself, to undertake any thing. An analysis of their present constitutions would show that they have many ties which would not exist in ours, and that they are by no means a proper model for us.

Our own experience should satisfy us. We have felt the difficulty of drawing out the resources of the country, and inducing the States to combine in equal exertions for the common cause.

The ill success of our last attempt is striking. Some have done a great deal; others little, or scarcely any thing. The disputes about boundaries, etc., testify how flattering a prospect we have of future tranquillity, if we do not frame, in time, a confederacy capable of deciding the differences and compelling the obedience of the respective members.

The Confederation, too, gives the power of the purse too entirely to the State Legislatures. It should provide perpetual funds, in the disposal of Congress, by a land tax, poll tax, or the like. All imposts upon commerce ought to be laid by Congress, and appropriated to their use. For, without certain revenues, a government can have no power. That power which holds the purse - strings abso-

lutely, must rule. This seems to be a medium which, without making Congress altogether independent, will tend to give reality to its authority.

Another defect in our system is want of method and energy in the administration. This has partly resulted from the other defect; but in a great degree from prejudice, and the want of a proper executive. Congress have kept the power too much in their own hands, and have meddled too much with details of every sort. Congress is, properly, a deliberative corps, and it forgets itself when it attempts to play the executive. It is impossible such a body, numerous as it is, and constantly fluctuating, can ever act with sufficient decision or with system. Two thirds of the members, one half the time, cannot know what has gone before them, or what connection the subject in hand has to what has been transacted on former occasions. The members who have been more permanent, will only give information that promotes the side they espouse in the present case, and will as often mislead as enlighten. The variety of business must distract, and the proneness of every assembly to debate must at all times delay.

Lately, Congress, convinced of these inconveniences, have gone into the measure of appointing Boards. But this is, in my opinion, a bad plan.

A single man in each department of the administration would be greatly preferable. It would give us a chance of more knowledge, more activity, more responsibility, and, of course, more zeal and attention. Boards partake of a part of the inconveniences of larger assemblies. Their decisions are

slower, their energy less, their responsibility more diffused. They will not have the same abilities and knowledge as an administration by single men. Men of the first pretensions will not so readily engage in them, because they will be less conspicuous, of less importance, have less opportunity of distinguishing themselves. The members of Boards will take less pains to inform themselves and arrive to eminence, because they have fewer motives to do it. All these reasons conspire to give a preference to the plan of vesting the great executive departments of the State in the hands of individuals. As these men will be, of course, at all times under the direction of Congress, we shall blend the advantages of a monarchy and republic in our constitution.

A question has been made, whether single men could be found to undertake these offices. I think they could, because there would be then every thing to excite the ambition of candidates. But, in order to effect this, Congress, by their manner of appointing them, and the line of duty marked out, must show that they are in earnest in making these officers officers of real trust and importance.

I fear a little vanity has stood in the way of these arrangements, as though they would lessen the importance of Congress and leave them nothing to do. But they would have precisely the same rights and powers as heretofore, happily disencumbered of the detail. They would have to inspect the conduct of their ministers, deliberate upon their plans, originate others for the public good; only observing this rule —that they ought to consult their ministers, and get

all the information and advice they could from them, before they entered into any new measures or made changes in the old.

A third defect is the fluctuating constitution of our army. This has been a pregnant source of evil; all our military misfortunes, three fourths of our civil embarrassments, are to be ascribed to it. The General has so fully enumerated the mischiefs of it, in a letter of 20 August, 1780,[1] to Congress, that I could only repeat what he has said, and will therefore refer you to that letter.

The imperfect and unequal provision made for the army is a fourth defect, which you will find delineated in the same letter. Without a speedy change the army must dissolve. It is now a mob, rather than an army; without clothing, without pay, without provision, without morals, without discipline. We begin to hate the country for its neglect of us. The country begin to hate us for our oppressions of them. Congress have long been jealous of us. We have now lost all confidence in them, and give the worst construction to all they do. Held together by the slenderest ties, we are ripening for a dissolution.

The present mode of supplying the army, by State purchases, is not one of the least considerable defects of our system. It is too precarious a dependence, because the States will never be sufficiently impressed with our necessities. Each will make its

[1] This date is left blank in the J. C. Hamilton edition, but there can be no doubt that it refers to Washington's letter to the President of Congress, dated: Orangetown, 20 August, 1780. See *Writings of Washington*, vol. vii., p. 156.

own ease a primary object, the supply of the army a secondary one. The variety of channels through which the business is transacted will multiply the number of persons employed and the opportunities of embezzling public money. From the popular spirit on which most of the governments turn, the State agents will be men of less character and ability, nor will there be so rigid a responsibility among them as there might easily be among those in the employ of the Continent; of course, not so much diligence, care, or economy. Very little of the money raised in the several States will go into the Continental treasury, on pretence that it is all exhausted in providing the quotas of supplies; and the public will be without funds for the other demands of government. The expense will be ultimately much greater and the advantages much smaller. We actually feel the insufficiency of this plan, and have reason to dread under it a ruinous extremity of want.

These are the principal defects in the present system that now occur to me. There are many inferior ones in the organization of particular departments, and many errors of administration, which might be pointed out, but the task would be troublesome and tedious; and if we had once remedied those I have mentioned, the others would not be attended with much difficulty.

I shall now propose the remedies which appear to me applicable to our circumstances, and necessary to extricate our affairs from their present deplorable situation.

The first step must be to give Congress powers competent to the public exigencies. This may happen in two ways: one by resuming and exercising the discretionary powers I suppose to have been originally vested in them for the safety of the States, and resting their conduct on the candor of their countrymen and the necessity of the conjuncture; the other, by calling immediately a Convention of all the States, with full authority to conclude finally upon a General Confederation, stating to them beforehand, explicitly, the evils arising from a want of power in Congress, and the impossibility of supporting the contest on its present footing, that the delegates may come possessed of proper sentiments as well as proper authority to give efficacy to the meeting. Their commission should include a right of vesting Congress with the whole, or a proportion, of the unoccupied lands, to be employed for the purpose of raising a revenue; reserving the jurisdiction to the States by whom they are granted.

The first plan, I expect, will be thought too bold an expedient by the generality of Congress; and, indeed, their practice hitherto has so riveted the opinion of their want of power, that the success of this experiment may very well be doubted.

I see no objection to the other mode that has any weight in competition with the reasons for it. The Convention should assemble the first of November next. The sooner the better. Our disorders are too violent to admit of a common or lingering remedy. The reasons for which I require them to be vested with plenipotentiary authority are that the business

may suffer no delay in the execution, and may, in reality, come to effect. A Convention may agree upon a Confederation; the States individually hardly ever will. We must have one at all events, and a vigorous one, if we mean to succeed in the contest and be happy hereafter. As I said before, to engage the States to comply with this mode Congress ought to confess to them, plainly and unanimously, the impracticability of supporting our affairs on the present footing and without a solid coercive union. I ask that the Convention should have a power of vesting the whole, or a part, of the unoccupied lands in Congress; because it is necessary that body should have some property as a fund for the arrangements of finance; and I know of no other kind that can be given them.

The Confederation, in my opinion, should give Congress complete sovereignty, except as to that part of internal police which relates to the rights of property and life among individuals, and to raising money by internal taxes. It is necessary that every thing belonging to this should be regulated by the State Legislatures. Congress should have complete sovereignty in all that relates to war, peace, trade, finance; and to the management of foreign affairs; the right of declaring war; of raising armies, officering, paying them, directing their motions in every respect; of equipping fleets, and doing the same with them; of building fortifications, arsenals, magazines, etc., etc.; of making peace on such conditions as they think proper; of regulating trade, determining with what countries it shall be carried

on; granting indulgences; laying prohibitions on all the articles of export or import; imposing duties; granting bounties and premiums for raising, exporting or importing, and applying to their own use, the product of these duties—only giving credit to the States on whom they are raised in the general account of revenues and expenses; instituting Admiralty Courts, etc.; of coining money; establishing banks on such terms, and with such privileges as they think proper; appropriating funds, and doing whatever else relates to the operations of finance; transacting every thing with foreign nations; making alliances, offensive and defensive, treaties of commerce, etc., etc.[1]

The Confederation should provide certain perpetual revenues, productive and easy of collection; a land tax, poll tax, or the like; which, together with the duties on trade, and the unlocated lands, would give Congress a substantial existence, and a stable foundation for their schemes of finance. What more supplies were necessary should be occasionally demanded of the States, in the present mode of quotas.

The second step I would recommend is, that Congress should instantly appoint the following great officers of State: A Secretary of Foreign Affairs, a President of War, a President of Marine, a Financier, a President of Trade. Instead of this last, a Board of Trade may be preferable, as the regulations of trade are slow and gradual, and require prudence

[1] This is an interesting sketch of a constitution very like the one adopted nearly ten years later.

and experience more than other qualities, for which Boards are very well adapted.

Congress should choose for these offices men of the first abilities, property, and character in the Continent, and such as have had the best opportunities of being acquainted with the several branches. General Schuyler, whom you mentioned, would make an excellent President of War; General M'Dougall a very good President of Marine. Mr. Robert Morris would have many things in his favor for the department of finance. He could, by his own personal influence, give great weight to the measures he should adopt. I dare say men, equally capable, may be found for the other departments.

I know not if it would not be a good plan to let the Financier be President of the Board of Trade; but he should only have a casting voice in determining questions there. There is a connection between trade and finance which ought to make the director of one acquainted with the other; but the Financier should not direct the affairs of trade, because, for the sake of acquiring reputation by increasing the revenues, he might adopt measures that would depress trade. In what relates to finance he should be alone.

These officers should have nearly the same powers and functions as those in France analogous to them; and each should be chief in his department, with subordinate Boards, composed of assistants, clerks, etc., to execute his orders.

In my opinion, a plan of this kind would be of inconceivable utility to our affairs; its benefits would

be very speedily felt. It would give new life and energy to the operations of government. Business would be conducted with dispatch, method, and system. A million of abuses now existing would be corrected, and judicious plans would be formed and executed for the public good.

Another step of immediate necessity is to recruit the army for the war, or at least for three years. This must be done by a mode similar to that which is practised in Sweden. There the inhabitants are thrown into classes of sixteen, and when the sovereign wants men each of these classes must furnish one. They raise a fixed sum of money, and if one of the class is willing to become a soldier he receives the money and offers himself a volunteer. If none is found to do this a draught is made, and he on whom the lot falls receives the money and is obliged to serve.

The minds of the people are prepared for a thing of this kind. The heavy bounties they have been obliged to pay for men to serve a few months must have disgusted them with this mode, and made them desirous of another that will, once for all, answer the public purpose and obviate a repetition of the demand. It ought, by all means, to be attempted; and Congress should frame a general plan, and press the execution upon the States.

When the Confederation comes to be framed, it ought to provide for this by a fundamental law, and hereafter there would be no doubt of the success.

But we cannot now wait for this. We want to replace the men whose terms of service will expire

the first of January; for then, without this, we shall have no army remaining, and the enemy may do what they please. The General, in his letter already quoted, has assigned the most substantial reasons for paying immediate attention to this point.

Congress should endeavor, both upon their credit in Europe and by every possible exertion in this country, to provide clothing for their officers, and should abolish the whole system of State supplies. The making good the depreciation of the currency, and all other compensations to the army, should be immediately taken up by Congress, and not left to the States. If they would have the accounts of depreciation liquidated, and governmental certificates given for what is due, in specie, or an equivalent to specie, it would give satisfaction; appointing periodical settlements for future depreciation.

The placing the officers upon half-pay during life would be a great stroke of policy, and would give Congress a stronger tie upon them than any thing else they can do. No man that reflects a moment but will prefer a permanent provision of this kind to any temporary compensation. Nor is it opposed to economy; the difference between this and between what has already been done will be insignificant. The benefit of it to the widows should be confined to those whose husbands die during the war. As to the survivors, not more than one half, on the usual calculation of men's lives, will exceed the seven years for which the half-pay is already established. Besides this, whatever may be the visionary speculations of some men at this time, we shall find it

indispensable, after the war, to keep on foot a considerable body of troops, and all the officers, retained for this purpose must be deducted out of the half-pay list. If any one will take the pains to calculate the expense of these principles, I am persuaded he will find the addition of expense, from the establishment proposed, by no means a national object.

The advantages of securing the attachment of the army to Congress, and binding them to the service by substantial ties, are immense. We should then have discipline,—an army in reality as well as in name. Congress would then have a solid basis of authority and consequence; for, to me, it is an axiom, that in our constitution an army is essential to the American Union.

The providing of supplies is the pivot of every thing else (though a well-constituted army would, not in a small degree, conduce to this by giving consistency and weight to government). There are four ways, all of which must be united: a foreign loan; heavy pecuniary taxes; a tax in kind; a bank founded on public and private credit.

As to a foreign loan, I dare say Congress are doing every thing in their power to obtain it. The most effectual way will be to tell France that without it we must make terms with Great Britain. This must be done with plainness and firmness, but with respect, and without petulance; not as a menace, but as a candid declaration of our circumstances.

We need not fear to be deserted by France. Her interest and honor are too deeply involved in our fate, and she can make no possible compromise.

She can assist us if she is convinced it is absolutely necessary, either by lending us herself, or by becoming our surety, or by influencing Spain. It has been to me astonishing how any man could have doubted, at any period of our affairs, of the necessity of a foreign loan. It was self-evident that we had not a fund of wealth in this country capable of affording revenues equal to the expenses. We must then create artificial revenues, or borrow. The first was done; but it ought to have been foreseen that the expedient could not last, and we should have provided in time for its failure.

Here was an error of Congress. I have good reason to believe that measures were not taken in earnest early enough to procure a loan abroad. I give you my honor that from our first outset I thought as I do now, and wished for a foreign loan, not only because I foresaw it would be essential, but because I considered it as a tie upon the nation from which it was derived, and as a means to prop our cause in Europe.

Concerning the necessity of heavy pecuniary taxes, I need say nothing, as it is a point in which everybody is agreed. Nor is there any danger that the product of any taxes raised in this way will overburthen the people or exceed the wants of the public. Indeed, if all the paper in circulation were drawn annually into the treasury, it would neither do one nor the other.

As to a tax in kind, the necessity of it results from this principle: that the money in circulation is not a sufficient representative of the productions of the

country, and consequently no revenues raised from it as a medium can be a competent representative of that part of the products of the country which it is bound to contribute to the support of the public. The public, therefore, to obtain its due, or satisfy its just demands and its wants, must call for a part of those products themselves. This is done in all those countries which are not commercial, — in Russia, Prussia, Denmark, Sweden, etc., and is peculiarly necessary in our case.

Congress, in calling for specific supplies, seem to have had this in view, but their intention has not been answered. The States in general have undertaken to furnish supplies by purchase, a mode, as I have observed, attended with every inconvenience, and subverting the principle on which the supplies were demanded—the insufficiency of our circulating medium as a representative for the labor and commodities of the country. It is therefore necessary that Congress should be more explicit, should form the outlines of a plan for a tax in kind, and recommend it to the States as a measure of absolute necessity.

The general idea I have of a plan is, that a respectable man should be appointed by the State, in each county, to collect the taxes and form magazines; that Congress should have, in each State, an officer to superintend the whole; and that the State collectors should be subordinate and responsible to them. This Continental superintendent might be subject to the general direction of the Quartermaster-General, or not, as might be deemed best;

but if not subject to him, he should be obliged to make monthly returns to the President of War, who should instruct him what proportion to deliver to the Quartermaster-General. It may be necessary that the superintendents should sometimes have power to dispose of the articles in their possession, on public account; for it would happen that the contributions in places remote from the army could not be transported to the theatre of operations without too great expense, in which case it would be eligible to dispose of them, and purchase, with the money so raised, in the countries near the immediate scene of war.

I know the objections which may be raised to this plan,—its tendency to discourage industry, and the like. But necessity calls for it. We cannot proceed without it; and less evils must give place to greater. It is, besides, practised with success in other countries, and why not in this? It may be said, the examples cited are from nations under despotic governments, and that the same would not be practicable with us. But I contend, where the public good is evidently the object more may be effected in governments like ours, than in any other. It has been a constant remark that free countries have ever paid the heaviest taxes. The obedience of a free people to general laws, however hard they bear, is ever more perfect than that of slaves to the arbitrary will of a prince. To this may be added, that Sweden was always a free government, and is so now, in a great degree, notwithstanding the late revolution.

How far it may be practicable to erect a bank on

the joint credit of the public and of individuals can only be certainly determined by the experiment. But it is of so much importance, that the experiment ought to be fully tried. When I saw the subscriptions going on to the bank established for supplying the army, I was in hopes it was only the embryo of a more permanent and extensive establishment. But I have reason to believe I shall be disappointed. It does not seem to be at all conducted on the true principles of a bank.

The directors of it are purchasing with their stock instead of bank-notes, as I expected, in consequence of which it must turn out to be a mere subscription of a particular sum of money for a particular purpose.

Paper credit never was long supported in any country, on a national scale, where it was not founded on a joint basis of public and private credit. An attempt to establish it on public credit alone in France, under the auspices of Mr. Law, had nearly ruined the kingdom. We have seen the effects of it in America, and every successive experiment proves the futility of the attempt. Our new money is depreciating almost as fast as the old, though it has, in some States, as real funds as paper-money ever had. The reason is that the moneyed men have not an immediate interest to uphold its credit. They may even, in many ways, find it their interest to undermine it. The only certain manner to obtain a permanent paper credit is to engage the moneyed interest immediately in it, by making them contribute the whole or part of the stock, and giving them the whole or part of the profits.

The invention of banks on the modern principle, originated in Venice. There the public and a company of moneyed men are mutually concerned. The Bank of England unites public authority and faith with private credit, and hence we see what a vast fabric of paper credit is raised on a visionary basis. Had it not been for this, England would never have found sufficient funds to carry on her wars; but with the help of this, she has done, and is doing, wonders. The Bank of Amsterdam is on a similar foundation.

And why can we not have an American Bank? Are our moneyed men less enlightened to their own interest, or less enterprising in the pursuit? I believe the fault is in government, which does not exert itself to engage them in such a scheme. It is true the individuals in America are not very rich, but this would not prevent their instituting a bank; it would only prevent its being done with such ample funds as in other countries. Have they not sufficient confidence in the government, and in the issue of the cause? Let the government endeavor to inspire that confidence, by adopting the measures I have recommended, or others equivalent to them. Let it exert itself to procure a solid confederation; to establish a good plan of executive administration; to form a permanent military force; to obtain, at all events, a foreign loan. If these things were in a train of vigorous execution, it would give a new spring to our affairs; government would recover its respectability, and individuals would renounce their diffidence.

The object I should propose to myself, in the first instance, from a bank, would be an auxiliary mode of supplies, for which purpose contracts should be made between government and the bank, on terms liberal and advantageous to the latter. Every thing should be done, in the first instance, to encourage the bank. After it gets well established it will take care of itself, and government may make the best terms it can for itself.

The first step to establishing the bank will be to engage a number of moneyed men of influence to relish the project and make it a business. The subscribers to that lately established are the fittest persons that can be found, and their plan may be interwoven.

The outlines of my plan would be to open subscriptions in all the States, for the stock, which we will suppose to be one million of pounds. Real property of every kind, as well as specie, should be deemed good stock, but at least a fourth part of the subscription should be in specie or plate. There should be one great company, in three divisions: in Virginia, Philadelphia, and at Boston; or two, at Philadelphia and Boston. The Bank should have a right to issue bank-notes, bearing two per cent. interest, for the whole of their stock, but not to exceed it. These notes may be payable every three months or oftener, and the faith of government must be pledged for the support of the bank. It must therefore have a right, from time to time, to inspect its operations, and must appoint inspectors for the purpose.

The advantages of the bank may consist in this: in the profits of the contracts made with government, which should bear interest to be annually paid in specie; in the loan of money at interest, say six per cent.; in purchasing lives by annuities, as practised in England, etc. The benefit resulting to the company is evident from the consideration, that they may employ in circulation a great deal more money than they have specie in stock, on the credit of the real property which they will have in other use. This money will be employed either in fulfilling their contracts with the public, by which also they will gain a profit, or in loans at an advantageous interest, or in annuities.

The bank may be allowed to purchase plate and bullion, and coin money, allowing government a part of the profit. I should make the bank-notes bear interest, in order to obtain a readier currency, and to induce the holders to prefer them to specie, so as to prevent too great a run upon the bank, at any time, beyond its ability to pay.

If government can obtain a foreign loan, it should lend to the bank, on easy terms, to extend its influence and facilitate a compliance with its engagements. If government could engage the States to raise a sum of money in specie, to be deposited in bank in the same manner, it would be of the greatest consequence. If government could prevail on the enthusiasm of the people to make a contribution in plate for the same purpose, it would be a masterstroke. Things of this kind sometimes succeed in popular contests, and if undertaken with address I

should not despair of its success, but I should not be sanguine.

The bank may be instituted for a term of years by way of trial, and the particular privilege of coining money be for a term still shorter. A temporary transfer of it to a particular company can have no inconvenience, as the government are in no condition to improve this resource, nor could it in our circumstances be an object to them, though with the industry of a knot of individuals it might be a valuable one to them.

A bank of this kind, even in its commencement, would answer the most valuable purposes to government and to the proprietors; in its progress, the advantages will exceed calculation. It will promote commerce by furnishing a more extensive medium, which we greatly want in our circumstances. I mean a more extensive valuable medium. We have an enormous nominal one at this time, but it is only a name.

In the present unsettled state of things in this country we can hardly draw inferences from what has happened in others, otherwise I should be certain of the success of this scheme, but I think it has enough in its favor to be worthy of trial.

I have only skimmed the surface of the different subjects I have introduced. Should the plans recommended come into contemplation in earnest, and you desire my further thoughts, I will endeavor to give them more form and particularity. I am persuaded a solid confederation, a permanent army, and a reasonable prospect of subsisting it, would give us treble consideration in Europe, and produce a peace this winter.

If a Convention is called, the minds of all the States and the people ought to be prepared to receive its determinations by sensible and popular writings, which should conform to the views of Congress. There are epochs in human affairs when *novelty* even is useful. If a general opinion prevails that the old way is bad, whether true or false, and this obstructs or relaxes the operations of the public service, a change is necessary, if it be but for the sake of change. This is exactly the case now. It is a universal sentiment that our present system is a bad one, and that things do not go right on this account. The measure of a Convention would revive the hopes of the people and give a new direction to their passions, which may be improved in carrying points of substantial utility. The Eastern States have already pointed out this mode to Congress; they ought to take the hint and anticipate the others.

And, in future, my dear sir, two things let me recommend as fundamental rules for the conduct of Congress: to attach the army to them by every motive; to maintain an air of authority (not domineering) in all their measures with the States. The manner in which a thing is done has more influence than is commonly imagined. Men are governed by opinion; this opinion is as much influenced by appearances as by realities. If a government appears to be confident of its own powers, it is the surest way to inspire the same confidence in others. If it is diffident, it may be certain there will be a still greater diffidence in others; and that its authority will not only be distrusted, controverted, but contemned.

I wish, too, Congress would always consider that a kindness consists as much in the manner as in the thing. The best things done hesitatingly and with an ill grace lose their effect, and produce disgust rather than satisfaction or gratitude. In what Congress have at any time done for the army, they have commonly been too late. They have seemed to yield to importunity rather than to sentiments of justice or to a regard to the accommodation of their troops. An attention to this idea is of more importance than it may be thought. I, who have seen all the workings and progress of the present discontents, am convinced that a want of this has not been among the most inconsiderable causes.

You will perceive, my dear sir, this letter is hastily written and with a confidential freedom; not as to a member of Congress whose feelings may be sore at the prevailing clamors, but as to a friend who is in a situation to remedy public disorders, who wishes for nothing so much as truth, and who is desirous of information even from those less capable of judging than himself. I have not even time to correct and copy, and only enough to add that I am, very truly and affectionately, dear sir,

Your most obedient servant,

A. HAMILTON.[1]

[1] This letter was not without an immediate influence. The proposition in regard to single executive officers resulted in a plan brought in by a committee, of which Duane was a member, establishing a Department of Foreign Affairs, with a Secretary for its chief officer. Soon after followed the establishment of three other executive departments, the Superintendent of Finance being Robert Morris.

THE CONTINENTALIST

THE CONTINENTALIST[1]

PUBLISHED BY LOUDON'S NEW YORK PACKET COMPANY

FISHKILL, July 12, 1781.

MR. LOUDON:

I send you the first number of a series of papers which I intend to publish on matters of the greatest importance to these States. I hope they will be read with as much candor and attention as the object of them deserves, and that no conclusions will be drawn till these are fully developed.

I am, sir,

Your most ob't humble servant,

A. B.

NO. I[2]

It would be the extreme of vanity in us not to be sensible that we began this revolution with very vague and confined notions of the practical business of government. To the greater part of us it was a novelty; of those who under the former constitution had had opportunities of acquiring experience, a

[1] This series of essays may be said to mark the public beginning of the movement for a new system of government, which resulted in the Conventions of Annapolis and Philadelphia, the adoption of the Constitution, and the formation of the Federalist party.

[2] In the edition of 1851, Nos. 2, 3, and 5 of the *Continentalist* are lacking. They have since been recovered, and the entire series is now given here in the order of publication.

large proportion adhered to the opposite side, and the remainder can only be supposed to have possessed ideas adapted to the narrow colonial sphere in which they had been accustomed to move, not of that enlarged kind suited to the government of an independent nation.

There were, no doubt, exceptions to these observations,—men in all respects qualified for conducting the public affairs with skill and advantage. But their number was small; they were not always brought forward in our councils; and when they were, their influence was too commonly borne down by the prevailing torrent of ignorance and prejudice.

On a retrospect, however, of our transactions, under the disadvantages with which we commenced, it is perhaps more to be wondered at that we have done so well than that we have not done better. There are, indeed, some traits in our conduct as conspicuous for sound policy as others for magnanimity. But, on the other hand, it must also be confessed, there have been many false steps, many chimerical projects and utopian speculations, in the management of our civil as well as of our military affairs. A part of these were the natural effects of the spirit of the times, dictated by our situation. An extreme jealousy of power is the attendant on all popular revolutions, and has seldom been without its evils. It is to this source we are to trace many of the fatal mistakes which have so deeply endangered the common cause; particularly that defect which will be the object of these remarks—a want of power in Congress.

The present Congress, respectable for abilities and integrity, by experience convinced of the necessity of change, are preparing several important articles, to be submitted to the respective States, for augmenting the powers of the Confederation. But though there is hardly at this time a man of information in America who will not acknowledge, as a general proposition, that in its present form it is unequal either to a vigorous prosecution of the war or to the preservation of the Union in peace; yet when the principle comes to be applied to practice, there seems not to be the same agreement in the modes of remedying the defect; and it is to be feared, from a disposition which appeared in some of the States on a late occasion, that the salutary intentions of Congress may meet with more delay and opposition than the critical posture of the States will justify.

It will be attempted to show, in a course of papers, what ought to be done, and the mischiefs of a contrary policy.

In the first stages of the controversy, it was excusable to err. Good intentions, rather than great skill, were to have been expected from us. But we have now had sufficient time for reflection, and experience as ample as unfortunate, to rectify our errors. To persist in them becomes disgraceful, and even criminal, and belies that character of good sense, and a quick discernment of our interests, which, in spite of our mistakes, we have been hitherto allowed. It will prove that our sagacity is limited to interests of inferior moment, and that we are incapable of those enlightened and liberal

views necessary to make us a great and a flourishing people.

History is full of examples where, in contests for liberty, a jealousy of power has either defeated the attempts to recover or preserve it, in the first instance, or has afterward subverted it by clogging government with too great precautions for its felicity, or by leaving too wide a door for sedition and popular licentiousness. In a government framed for durable liberty, not less regard must be paid to giving the magistrate a proper degree of authority to make and execute the laws with rigor, than to guard against encroachments upon the rights of the community. As too much power leads to despotism, too little leads to anarchy, and both, eventually, to the ruin of the people. These are maxims well known, but never sufficiently attended to, in adjusting the frames of governments. Some momentary interest or passion is sure to give a wrong bias, and pervert the most favorable opportunities.

No friend to order or to rational liberty can read without pain and disgust the history of the Commonwealths of Greece. Generally speaking, they were a constant scene of the alternate tyranny of one part of the people over the other, or of a few usurping demagogues over the whole. Most of them had been originally governed by kings, whose despotism (the natural disease of monarchy) had obliged their subjects to murder, expel, depose, or reduce them to a nominal existence, and institute popular governments. In these governments, that of Sparta excepted, the jealousy of power hindered the people

from trusting out of their own hands a competent authority to maintain the repose and stability of the Commonwealth; whence originated the frequent revolutions and civil broils with which they were distracted. This, and the want of a solid federal union to restrain the ambition and rivalship of the different cities, after a rapid succession of bloody wars, ended in their total loss of liberty, and subjugation to foreign powers.

In comparison of our governments with those of the ancient republics, we must, without hesitation, give the preference to our own; because every power with us is exercised by representation, not in tumultuary assemblies of the collective body of the people, where the art or impudence of the *Orator* or *Tribune*, rather than the utility or justice of the measure, could seldom fail to govern. Yet, whatever may be the advantage on our side in such a comparison, men who estimate the value of institutions, not from prejudices of the moment, but from experience and reason, must be persuaded that the same *jealousy* of *power* has prevented our reaping all the advantages from the examples of other nations which we ought to have done, and has rendered our constitutions in many respects feeble and imperfect.

Perhaps the evil is not very great in respect to our State constitutions; for, notwithstanding their imperfections, they may for some time be made to operate in such a manner as to answer the purposes of the common defence and the maintenance of order; and they seem to have, in themselves, and

in the progress of society among us, the seeds of improvement.

But this is not the case with respect to the Federal Government; if it is too weak at first, it will continually grow weaker. The ambition and local interests of the respective members will be constantly undermining and usurping upon its prerogatives till it comes to a dissolution, if a partial combination of some of the more powerful ones does not bring it to a more *speedy* and *violent end.*

NO. II

July 19, 1781.

In a single state where the sovereign power is exercised by delegation, whether it be a limited monarchy or a republic, the danger most commonly is, that the sovereign will become too powerful for his constituents. In federal governments, where different states are represented in a general council, the danger is on the other side—that the members will be an overmatch for the common head; or, in other words, that it will not have sufficient influence and authority to secure the obedience of the several parts of the confederacy.

In a single state the sovereign has the whole legislative power as well as the command of the national forces—of course an immediate control over the persons and property of the subjects; every other power is subordinate and dependent. If he undertakes to subvert the constitution, it can only be

preserved by a general insurrection of the people. The magistrates of the provinces, counties, or towns into which the State is divided, having only an executive and police jurisdiction, can take no decisive measures for counteracting the first indications of tyranny; but must content themselves with the ineffectual weapon of petition and remonstrance. They cannot raise money, levy troops, nor form alliances. The leaders of the people must wait till their discontents have ripened into a general revolt, to put them in a situation to confer the powers necessary for their defence. It will always be difficult for this to take place; because the sovereign, possessing the appearance and forms of legal authority, having the forces and revenues of the state at his command, and a large party among the people besides,—which with those advantages he can hardly fail to acquire—he will too often be able to baffle the first motions of the discontented, and prevent that union and concert essential to the success of their opposition.

The security, therefore, of the public liberty must consist in such a distribution of the sovereign power, as will make it morally impossible for one part to gain an ascendency over the others, or for the whole to unite in a scheme of usurpation.

In federal governments, each member has a distinct sovereignty, makes and executes laws, imposes taxes, distributes justice, and exercises every other function of government. It has always within itself the means of revenue; and on an emergency, can levy forces. If the common sovereign should

meditate or attempt any thing unfavorable to the general liberty, each member, having all the proper organs of power, can prepare for defence with celerity and vigor. Each can immediately sound the alarm to the others, and enter into leagues for mutual protection. If the combination is general, as is to be expected, the usurpers will soon find themselves without the means of recruiting their treasury or their armies; and for want of continued supplies of men and money, must, in the end, fall a sacrifice to the attempt. If the combination is not general, it will imply that some of the members are interested in that which is the cause of dissatisfaction to others, and this cannot be an attack upon the common liberty, but upon the interests of one part in favor of another part; and it will be a war between the members of the federal union with each other, not between them and the federal government. From the plainest principles of human nature, two inferences are to be drawn: one, that each member of a political confederacy will be more disposed to advance its own authority upon the ruins of that of the confederacy, than to make any improper concession in its favor, or support it in unreasonable pretensions; the other, that the subjects of each member will be more devoted in their attachments and obedience to their own particular governments, than to that of the union.

It is the temper of societies as well as of individuals to be impatient of constraint, and to prefer partial to general interest. Many cases may occur where members of a confederacy have, or seem to have, an ad-

vantage in things contrary to the good of the whole, or a disadvantage in others conducive to that end. The selfishness of every part will dispose each to believe that the public burdens are unequally apportioned, and that itself is the victim. These and other circumstances will promote a disposition for abridging the authority of the federal government; and the ambition of men in office in each state will make them glad to encourage it. They think their own consequence connected with the power of the government of which they are a part; and will endeavor to increase the one as the means of increasing the other.

The particular governments will have more empire over the minds of their subjects than the general one, because their agency will be more direct, more uniform, and more apparent. The people will be habituated to look up to them as the arbiters and guardians of their personal concerns, by which the passions of the vulgar, if not of all men, are most strongly affected; and in every difference with the confederated body, will side with them against the common sovereign.

Experience confirms the truth of these principles. The chief cities of Greece had once their council of Amphyctions, or States-general, with authority to decide and compose the differences of the several cities, and to transact many other important matters relative to the common interest and safety. At their first institution, they had great weight and credit; but never enough to preserve effectually the balance and harmony of the confederacy; and in

time their decrees only served as an additional pretext to that side whose pretensions they favored. When the cities were not engaged in foreign wars, they were at perpetual variance among themselves. Sparta and Athens contended twenty-seven years for the precedence, or rather dominion, of Greece, till the former made herself mistress of the whole; and till, in subsequent struggles, having had recourse to the pernicious expedient of calling in the aid of foreign enemies, the Macedonians first and afterward the Romans became their masters.

The German Diet had formerly more authority than it now has, though like that of Greece never enough to hinder the great potentates from disturbing the repose of the empire, and mutually wasting their own territories and people.

The Helvetic League is another example. It is true it has subsisted nearly five hundred years; but in that period the cantons have had repeated and furious wars with each other, which would have made them an easy prey to their more powerful neighbors, had not the reciprocal jealousy of these prevented either from taking advantage of their dissensions. This and their poverty have hitherto saved them from total destruction, and kept them from feeling the miseries of foreign conquest, added to those of civil war. The federal government is too weak to hinder their renewal, whenever the ambition or fanaticism of the principal cantons shall be disposed to rekindle the flame. For some time past, indeed, it has been in a great measure nominal; the Protestants and Catholics have had separate diets, to man-

age almost all matters of importance; so that in fact, the general diet is only kept up to regulate the affairs of the common bailliages and preserve a semblance of union; and even this, it is probable would cease, did not the extreme weakness of the cantons oblige them to a kind of coalition.

If the divisions of the United Provinces have not proceeded to equal extremities, there are peculiar causes to be assigned. The authority of the Stadtholder pervades the whole frame of the republic, and is a kind of common link by which the provinces are bound together. The jealousy of his progressive influence, in which more or less they all agree, operates as a check upon their ill-humors against one another. The inconsiderableness of each province separately, and the imminent danger to which the whole would be exposed of being overrun by their neighbors in case of disunion, is a further preservative against the phrensy of hostility; and their importance and even existence depending entirely upon frugality, industry, and commerce, peace both at home and abroad is of necessity the predominant object of their policy.

NO. III

August 9, 1781.

The situation of these States is very unlike that of the United Provinces. Remote as we are from Europe, in a little time we should fancy ourselves out of the reach of attempts from abroad, and in full liberty, at our leisure and convenience, to try our

strength at home. This might not happen at once, but if the Federal Government should lose its authority it would certainly follow. Political societies in close neighborhood must either be strongly united under one government, or there will infallibly exist emulations and quarrels; this is in human nature, and we have no reason to think ourselves wiser or better than other men. Some of the larger States, a small number of years hence, will be in themselves populous, rich, and powerful in all those circumstances calculated to inspire ambition and nourish ideas of separation and independence. Though it will ever be their true interest to preserve the Union, their vanity and self-importance will be very likely to overpower that motive, and make them seek to place themselves at the head of particular confederacies independent of the general one. A schism once introduced, competitions of boundary and rivalships of commerce will easily afford pretexts for war.

European powers may have many inducements for fomenting these divisions and playing us off against each other; but without such a disposition in them, if separations once take place we shall, of course, embrace different interests and connections. The particular confederacies, leaguing themselves with rival nations, will naturally be involved in their disputes, into which they will be the more readily tempted by the hope of making acquisitions upon each other and upon the colonies of the powers with whom they are respectively at enmity.

We already see symptoms of the evils to be appre-

hended. In the midst of a war for our existence as a nation—in the midst of dangers too serious to be trifled with, some of the States have evaded or refused compliance with the demands of Congress in points of the greatest moment to the common safety. If they act such a part at this perilous juncture, what are we to expect in a time of peace and security? Is it not to be feared that the resolutions of Congress would soon become like the decisions of the Greek Amphyctions, or like the edicts of a German Diet?

But as these evils are at a little distance, we may perhaps be insensible and short-sighted enough to disregard them. There are others that threaten our immediate safety. Our whole system is in disorder; our currency depreciated, till in many places it will hardly obtain a circulation at all; public credit at its lowest ebb; our army deficient in numbers, and unprovided with every thing; the Government, in its present condition, unable to command the means to pay, clothe, or feed their troops; the enemy making an alarming progress in the Southern States, lately in complete possession of two of them, though now in part rescued by the genius and exertions of a general without an army; a force under Cornwallis still formidable to Virginia.

We ought to blush to acknowledge that this is a true picture of our situation, when we reflect that the enemy's whole force in the United States, including their American levies and the late reinforcements, is little more than fourteen thousand effective men; that our population, by recent examination, has been found to be greater than at the commencement

of the war; that the quantity of our specie has also increased; that the country abounds with all the necessaries of life, and has a sufficiency of foreign commodities, with a considerable and progressive commerce; that we have, beyond comparison, a better stock of warlike materials than when we began the contest, and an ally as willing as able to supply our further wants; and that we have on the spot five thousand auxiliary troops, paid and subsisted by that ally, to assist in our defence.

Nothing but a general disaffection of the people or mismanagement in their rulers can account for the figure we make, and for the distresses and perplexities we experience contending against so small a force.

Our enemies themselves must now be persuaded that the first is not the cause, and we know it is not. The most decided attachment of the people could alone have made them endure, without a convulsion, the successive shocks in our currency, added to the unavoidable inconveniences of war. There is perhaps not another nation in the world that would have shown equal patience and perseverance in similar circumstances. The enemy have now tried the temper of almost every part of America, and they can hardly produce in their ranks a thousand men who, without their arts and seductions, have voluntarily joined their standard. The miseries of a rigorous captivity may perhaps have added half as many more to the number of the American levies at this time in their armies. This small accession of force is the more extraordinary, as they have at

some periods been apparently in the full tide of success, while every thing wore an aspect tending to infuse despondency into the people of this country. This has been remarkably the case in the Southern States.

They for a time had almost undisturbed possession of two of them, and Cornwallis, after overrunning a great part of a third, after two victorious battles, only brought with him into Virginia about two hundred Tories;—in the State where he thought himself so well established, that he presumptuously ventured to assure the minister there was not a rebel left, a small body of continental troops have been so effectually seconded by the militia of that vanquished country as to have been able to capture a number of his troops more than equal to their own, and to repossess the principal part of the State.

As in the explanation of our embarrassments nothing can be alleged to the disaffection of the people, we must have recourse to the other cause—of impolicy and mismanagement in their rulers.

Where the blame of this may lie is not so much the question as what are the proper remedies, yet it may not be amiss to remark that too large a share has fallen upon Congress. That body is no doubt chargeable with mistakes, but perhaps its greatest has been too much readiness to make concessions of the powers implied in its original trust. This is partly to be attributed to an excessive complaisance to the spirit which has evidently actuated a majority of the States, a desire of monopolizing all power in

themselves. Congress has been responsible for the administration of affairs, without the means of fulfilling that responsibility.

It would be too severe a reflection upon us to suppose that a disposition to make the most of the friendship of others, and to exempt ourselves from a full share of the burthens of the war, has had any part in the backwardness which has appeared in many of the States to confer powers and adopt measures adequate to the exigency. Such a sentiment would neither be wise, just, generous, nor honorable; nor do I believe the accusation would be well founded, yet our conduct makes us liable to a suspicion of this sort. It is certain, however, that too sanguine expectations from Europe have unintentionally relaxed our efforts by diverting a sense of danger, and begetting an opinion that the inequality of the contest would make every campaign the last.

We did not consider how difficult it must be to exhaust the resources of a nation circumstanced like that of Great Britain; whose government has always been distinguished for energy, and its people for enthusiasm. Nor did we in estimating the superiority of our friends make sufficient allowance for that want of concert which will ever characterize the operations of allies, or for the immense advantage to the enemy of having their forces, though inferior, under a single direction.

Finding the rest of Europe either friendly or pacific, we never calculated the contingencies which might alter that disposition; nor reflected that the

death [1] of a single prince, the change or caprice of a single minister, was capable of giving a new face to the whole system.

We are at this time more sanguine than ever. The war with the Dutch, we believe, will give such an addition of force to our side as will make the superiority irresistible. No person can dispute this, if things remain in their present state; but the extreme disparity of the contest is the very reason why this cannot be the case. The neutral powers will either effect a particular or a general accommodation, or they will take their sides. There are three suppositions to be made: one, that there will be a compromise *between the United Provinces* and England, for which we are certain the mediation of Austria and Russia has been offered; another, a pacification between all the belligerent powers, for which we have reason to believe the same mediation has been offered; the third, a rejection of the terms of mediation and a more general war.

Either of these suppositions is a motive for exertion. The first will place things in the same, probably in a worse, situation than before the declaration of the war against Holland. The composing of

[1] The death of the Empress Queen has actually produced a change. Her politics, if not friendly to our connections, were at least pacific, and while she lived no hostile interference of the House of Austria was to be expected. The Emperor, her son, by her death left more at liberty to pursue his inclinations averse to the aggrandizement of France, of course afraid of the abasement of England, has given several indications of an unfriendly disposition. It should be a weighty consideration with us, that among the potentates which we look upon as amicable, three of the principal ones are at a very advanced stage of life—the King of Spain, the King of Prussia, and the Empress of Russia. We know not what may be the politics of successors.

present differences may be accompanied with a revival of ancient connections; and at least would be productive of greater caution and restraint in a future intercourse with us.

The second, it is much to be dreaded, would hazard a dismemberment [1] of a part of these States; and we are bound in honor, in duty, and in interest, to employ every effort to dispossess the enemy of what they hold. A natural basis of the negotiation with respect to this continent will be, that each party shall retain what it possesses at the conclusion of the treaty, qualified perhaps by a cession of particular points for an equivalent elsewhere. It is too delicate to dwell on the motives to this apprehension; but if such a compromise sometimes terminates the disputes of nations originally independent, it will be

[1] Perhaps not expressly and directly, but virtually, under the plausible form of a new arrangement of limits.

If we are determined, as we ought to be with the concurrence of our allies, not to accept such a condition, then we ought to prepare for the third event—a more general and more obstinate war.

Should this take place a variety of new interests will be involved, and the affairs of America may cease to be of primary importance. In proportion as the objects and operations of the war become complicated and extensive, the final success must become uncertain; and in proportion as the interests of others in our concerns may be weakened or supplanted by more immediate interests of their own, ought our attention to ourselves and exertions in our own behalf to be awakened and augmented.

We ought, therefore, not only to strain every nerve for complying with the requisitions to render the present campaign as decisive as possible, but we ought without delay to enlarge the powers of Congress. Every plan of which this is not the foundation will be illusory. The separate exertions of the States will never suffice. Nothing but a well proportioned exertion of the resources of the whole, under the direction of a common council, with power sufficient to give efficacy to their resolutions, can preserve us from being a conquered people now or can make us a happy people hereafter.

less extraordinary where one party was originally under the dominion of the other.

NO. IV

August 30, 1781

The preceding numbers are chiefly intended to confirm an opinion, already pretty generally received, that it is necessary to augment the powers of the Confederation. The principal difficulty yet remains to fix the public judgment definitely on the points which ought to compose that augmentation.

It may be pronounced with confidence that nothing short of the following articles can suffice.

1st.—THE POWER OF REGULATING TRADE, comprehending a right of granting bounties and premiums by way of encouragement, of imposing duties of every kind as well for revenue as regulation, of appointing all officers of the customs, and of laying embargoes in extraordinary emergencies.

2d.—A moderate-levied tax, throughout the United States, of a specific rate per pound or per acre,[1] granted to the Federal Government in perpetuity, and, if Congress think proper, to be levied by their own collectors.

3d.—A moderate capitation-tax on every male[2] inhabitant above fifteen years of age, exclusive of common soldiers, common seamen, day laborers,

[1] Two pence an acre on cultivated, and a half-penny on uncultivated, land would answer the purpose, and would be so moderate as not to be felt; a small tax on uncultivated land would have the good effect of obliging the proprietor either to cultivate it himself or to dispose of it to some persons that would do it.

[2] Suppose a dollar, or even half a dollar, per head.

cottagers, and paupers, to be also vested in perpetuity, and with the same condition of collection.

4th.—The disposal of all unlocated land for the benefit of the United States (so far as respects the profits of the first sale and the quit-rents), the jurisdiction remaining to the respective States in whose limits they are contained.

5th.—A certain proportion of the product of all mines discovered, or to be discovered, for the same duration, and with the same right of collection as in the second and third articles.

6th.—The appointment of all land (as well as naval) officers of every rank.

The three first articles are of IMMEDIATE NECESSITY; the three last would be of great present, but of much greater future, utility; the whole combined would give solidity and permanency to the Union.

The great defect of the Confederation is, that it gives the United States no property; or, in other words, no revenue, nor the means of acquiring it, inherent in themselves and independent on the temporary pleasure of the different members. And power without revenue, in political society, is a name. While Congress continue altogether dependent on the occasional grants of the several States, for the means of defraying the expenses of the Federal Government, it can neither have dignity, vigor, nor credit. Credit supposes specific and permanent funds for the punctual payment of interest, with a moral certainty of the final redemption of the principal.

In our situation it will probably require more, on account of the general diffidence which has been ex-

cited by the past disorders in our finances. It will perhaps be necessary, in the first instance, to appropriate funds for the redemption of the principal in a determinate period, as well as for the payment of interest.

It is essential that the property in such funds should be in the contractor himself, and the appropriation dependent on his own will. If, instead of this, the possession or disposal of them is dependent on the voluntary or occasional concurrence of a number of different wills not under his absolute control, both the one and the other will be too precarious to be trusted. The most wealthy and best established nations are obliged to pledge their funds to obtain credit, and it would be the height of absurdity in us, in the midst of a revolution, to expect to have it on better terms. This credit being to be procured through Congress, the funds ought to be provided, declared, and vested in them.[1] It is a fact that verifies the want of specific funds that the circumstance which operates powerfully against our obtaining credit abroad is, not a distrust of our becoming independent, but of our continuing united, and with our present Confederation the distrust is natural. Both foreigners and the thinking men among ourselves would have much more confidence in the duration of the Union, if they were to see it supported on the foundation here proposed.

[1] It might, indeed, be a good restraint upon the spirit of running in debt, with which governments are too apt to be infected, to make it a condition of the grants to Congress, that they shall be obliged, in all their loans, to appropriate funds for the payment of principal as well as interest, and such a restriction might be serviceable to public credit.

There are some among us ignorant enough to imagine that the war may be carried on without credit, defraying the expenses of the year with what may be raised within the year. But this is for want of a knowledge of our real resources and expenses.

It may be demonstrated that the whole amount of the revenue which these States are capable of affording will be deficient annually five or six millions of dollars for the support of civil government and of the war.

This is not a conjecture hazarded at random, but the result of experiment and calculation; nor can it appear surprising, when it is considered that the revenues of the United Provinces, equal to these States in population, beyond comparison superior in industry, commerce, and riches, do not exceed twenty-five millions of guilders, or about nine millions and a half of dollars. In times of war they have raised a more considerable sum, but it has been chiefly by gratuitous combinations of rich individuals, a resource we cannot employ, because there are few men of large fortunes in this country, and these for the most part are in land. Taxes in the United Provinces are carried to an extreme which would be impracticable here. Not only the living are made to pay for every necessary of life, but even the dead are tributary to the public for the liberty of interment at particular hours. These considerations make it evident that we could not raise an equal amount of revenue in these States. Yet, in '76, when the currency was not depreciated, Congress emitted, for the expenses of the year, fourteen

millions of dollars. It cannot be denied that there was a want of order and economy in the expenditure of public money, nor that we had a greater military force to maintain at that time than we now have; but, on the other hand, allowing for the necessary increase in our different civil lists, and for the advanced prices of many articles, it can hardly be supposed possible to reduce our annual expense very much below that sum. This simple idea of the subject, without entering into details, may satisfy us that the deficiency which has been stated is not to be suspected of exaggeration.

Indeed, nations the most powerful and opulent are obliged to have recourse to loans in time of war, and hence it is that most of the states of Europe are deeply immersed in debt. France is among the number, notwithstanding her immense population, wealth, and resources. England owes the enormous sum of two hundred millions sterling. The United Provinces, with all their prudence and parsimony, owe a debt of the generality of fifty millions, besides the particular debts of each province. Almost all the other powers are more or less in the same circumstances.

While this teaches us how contracted and uninformed are the views of those who expect to carry on the war without running in debt,—it ought to console us with respect to the amount of that which we now owe, or may have occasion to incur in the remainder of the war. The whole, without burthening the people, may be paid off in twenty years after the conclusion of peace.

The principal part of the deficient five or six millions must be procured by loans from private persons at home and abroad. Every thing may be hoped from the generosity of France which her means will permit, but she has full employment for her revenues and credit in the prosecution of the war on her own part. If we judge of the future by the past, the pecuniary succors from her must continue to be far short of our wants, and the contingency of a war on the continent of Europe makes it possible they may diminish rather than increase.

We have in a less degree experienced the friendship of Spain in this article.

The Government of the United Provinces, if disposed to do it, can give us no assistance. The resources of the republic are chiefly mortgaged for former debts. Happily, it has extensive credit, but it will have occasion for the whole to supply its own exigencies.

Private men, either foreigners or natives, will not lend to a large amount, but on the usual security of funds properly established. This security Congress cannot give till the several States vest them with revenue, or the means of revenue, for that purpose.

Congress have[1] wisely appointed a superintendent of their finances,—a man of acknowledged abilities and integrity, as well as of great personal credit and pecuniary influence.

It was impossible that the business of finance could be ably conducted by a body of men however well composed or well intentioned. Order in the

[1] Robert Morris.

future management of our moneyed concerns, a strict regard to the performance of public engagements, and of course the restoration of public credit may be reasonably and confidently expected from Mr. Morris' administration if he is furnished with materials upon which to operate—that is, if the Federal Government can acquire funds as the basis of his arrangements. He has very judiciously proposed a National Bank, which, by uniting the influence and interest of the moneyed men with the resources of government, can alone give it that durable and extensive credit of which it stands in need. This is the best expedient he could have devised for relieving the public embarrassments, but to give success to the plan it is essential that Congress should have it in their power to support him with unexceptionable funds. Had we begun the practice of funding four years ago, we should have avoided that depreciation of the currency which has been pernicious to the morals and to the credit of the nation, and there is no other method than this to prevent a continuance and multiplication of the evils flowing from that prolific source.

NO. V

April 18, 1782.

The vesting Congress with the power of regulating trade ought to have been a principal object of the Confederation for a variety of reasons. It is as necessary for the purposes of commerce as of revenue. There are some who maintain that trade will regulate

itself, and is not to be benefited by the encouragements or restraints of government. Such persons will imagine that there is no need of a common directing power. This is one of those wild speculative paradoxes, which have grown into credit among us, contrary to the uniform practice and sense of the most enlightened nations.

Contradicted by the numerous institutions and laws that exist everywhere for the benefit of trade, by the pains taken to cultivate particular branches and to discourage others, by the known advantages derived from those measures, and by the palpable evils that would attend their discontinuance, it must be rejected by every man acquainted with commercial history. Commerce, like other things, has its fixed principles, according to which it must be regulated. If these are understood and observed, it will be promoted by the attention of government; if unknown, or violated, it will be injured—but it is the same with every other part of administration.

To preserve the balance of trade in favor of a nation ought to be a leading aim of its policy. The avarice of individuals may frequently find its account in pursuing channels of traffic prejudicial to that balance, to which the government may be able to oppose effectual impediments. There may, on the other hand, be a possibility of opening new sources, which, though accompanied with great difficulties in the commencement, would in the event amply reward the trouble and expense of bringing them to perfection. The undertaking may often exceed the influence and capitals of individuals, and

may require no small assistance, as well from the revenue as from the authority of the state.

The contrary opinion, which has grown into a degree of vogue among us, has originated in the injudicious attempts made at different times to effect a regulation of prices. It became a cant phrase among the opposers of these attempts, that trade must regulate itself; by which at first was only meant that it had its fundamental laws, agreeable to which its general operations must be directed, and that any violent attempts in opposition to these would commonly miscarry. In this sense the maxim was reasonable, but it has since been extended to militate against all interference by the sovereign; an extreme as little reconcilable with experience or common sense as the practice it was first framed to discredit.

The reasonings of a very ingenious and sensible writer,[1] by being misapprehended, have contributed to this mistake. The scope of his argument is not, as by some supposed, that trade will hold a certain invariable course independent on the aid, protection, care, or concern of government; but that it will, in the main, depend upon the comparative industry, moral and physical advantages of nations; and that though, for a while, from extraordinary causes, there may be a wrong balance against one of them, this will work its own cure, and things will ultimately return to their proper level. His object was to combat that excessive jealousy on this head, which has been productive of so many unnecessary

[1] Hume's essay: *Jealousy of Trade.*

wars, and with which the British nation is particularly infected; but it was no part of his design to insinuate that the regulating hand of government was either useless or hurtful. The nature of a government, its spirit, maxims, and laws, with respect to trade, are among those constant moral causes which influence its general results, and when it has by accident taken a wrong direction, assist in bringing it back to its natural course. This is everywhere admitted by all writers upon the subject; nor is there one who has asserted a contrary doctrine.

Trade may be said to have taken its rise in England under the auspices of Elizabeth, and its rapid progress there is in a great measure to be ascribed to the fostering care of government in that and succeeding reigns.

From a different spirit in the government, with superior advantages, France was much later in commercial improvements; nor would her trade have been at this time in so prosperous a condition, had it not been for the abilities and indefatigable endeavors of the great Colbert. He laid the foundation of the French commerce, and taught the way to his successors to enlarge and improve it. The establishment of the woollen manufacture in a kingdom where nature seemed to have denied the means, is one, among many proofs, how much may be effected in favor of commerce by the attention and patronage of a wise administration.

The number of useful edicts passed by Louis XIV., and since his time, in spite of frequent interruptions from the jealous enmity of Great Britain, has ad-

vanced that of France to a degree which has excited the envy and astonishment of its neighbors.

The Dutch, who may justly be allowed a pre-eminence in the knowledge of trade, have ever made it an essential object of state. Their commercial regulations are more rigid and numerous than those of any other country; and it is by a judicious and unremitted vigilance of government that they have been able to extend their traffic to a degree so much beyond their natural and comparative advantages.

Perhaps it may be thought that the power of regulation will be best placed in the governments of the several States, and that a general superintendence is unnecessary. If the States had distinct interests, were unconnected with each other, their own governments would then be the proper, and could be the only, depositories of such a power; but as they are parts of a whole, with a common interest in trade, as in other things, there ought to be a common direction in that as in all other matters. It is easy to conceive that many cases may occur in which it would be beneficial to all the States to encourage or suppress a particular branch of trade, while it would be detrimental to either to attempt it without the concurrence of the rest, and where the experiment would probably be left untried for fear of a want of that concurrence.

No mode can be so convenient as a source of revenue to the United States. It is agreed that imposts on trade, when not immoderate, or improperly laid, are one of the most eligible species of taxation. They fall in a great measure upon articles not of

absolute necessity, and being partly transferred to the price of the commodity, are so far imperceptibly paid by the consumer. It is therefore that mode which may be exercised by the Federal Government with least exception or disgust. Congress can easily possess all the information necessary to impose the duties with judgment, and the collection can without difficulty be made by their own officers.

They can have no temptation to abuse this power, because the motive of revenue will check its own extremes. Experience has shown that moderate duties are more productive than high ones. When they are low, a nation can trade abroad on better terms, its imports and exports will be larger, the duties will be regularly paid, and arising on a greater quantity of commodities, will yield more in the aggregate than when they are so high as to operate either as a prohibition, or as an inducement to evade them by illicit practices.

It is difficult to assign any good reason why Congress should be more liable to abuse the powers with which they are entrusted than the State Assemblies. The frequency of the election of the members is a full security against a dangerous ambition, and the rotation established by the Confederation makes it impossible for any state, by continuing the same men, who may put themselves at the head of a prevailing faction, to maintain for any length of time an undue influence in the national councils. It is to be presumed that Congress will be in general better composed for abilities, as well as for integrity, than any assembly on the continent.

But to take away any temptation from a cabal to load particular articles, which are the principal objects of commerce to particular States, with a too great proportion of duties, to ease the others in the general distribution of expense, let all the duties, whether for regulation or revenue, raised in each State, be credited to that State, and let it, in like manner, be charged for all the bounties paid within itself for the encouragement of agriculture, manufactures, or trade. This expedient will remove the temptation; for as the quotas of the respective States are to be determined by a standard of land, agreeable to the eighth article of the Confederation, each will have so much the less to contribute otherwise, as it pays more on its commerce. An objection has been made in a late instance to this principle. It has been urged that as the consumer pays the duty, those States which are not equally well situated for foreign commerce, and which consume a great part of the imports of their neighbors, will become contributors to a part of their taxes. This objection is rather specious than solid.

The maxim, that the consumer pays the duty, has been admitted in theory with too little reserve; frequently contradicted in practice. It is true, the merchant will be unwilling to let the duty be a deduction from his profits, if the state of the market will permit him to incorporate it with the price of his commodity. But this is often not practicable. It turns upon the quantity of goods at market in proportion to the demand. When the latter exceeds the former, and the competition is among the

buyers, the merchant can easily increase his price, and make his customers pay the duty. When the reverse is the case, and the competition is among the sellers, he must then content himself with smaller profits and lose the value of the duty, or at least a part of it. When a nation has a flourishing and well-settled trade, this more commonly happens than may be imagined, and it will, many times, be found that the duty is divided between the merchant and the consumer.

Besides this consideration which greatly diminishes the force of the objection, there is another which entirely destroys it. There is a strong reciprocal influence between the prices of all commodities in a State, by which they, sooner or later, attain a pretty exact balance and proportion to each other. If the immediate productions of the soil rise, the manufacturer will have more for his manufacture, the merchant for his goods; and the same will happen with whatever class the increase of price begins. If duties are laid upon the imports in one State, by which the prices of foreign articles are raised, the products of land and labor within that State will take a proportionate rise; and if a part of those articles are consumed in a neighboring State, it will have the same influence there as at home. The importing State must allow an advanced price upon the commodities which it receives in exchange from its neighbor, in a ratio to the increased price of the article it sells. To know, then, which is the gainer or loser, we must examine how the general balance of trade stands between them. If the im-

porting State takes more of the commodities of its neighbor than it gives in exchange, that will be the loser by the reciprocal augmentation of prices; it will be the gainer if it takes less, and neither will gain or lose if the barter is carried on upon equal terms. The balance of trade, and consequently the gain, or loss, in this respect, will be governed more by the relative industry and frugality of the parties than by their relative advantages for foreign commerce.

Between separate nations this reasoning will not apply with full force, because a multitude of local and extraneous circumstances may counteract the principle; but from the intimate connections of these States, the similitude of governments, situations, customs, manners, political and commercial causes will have nearly the same operation in the intercourse between the States, as in that between the different parts of the same State. If this should be controverted, the objection drawn from the hypothesis of the consumer paying the duty must fall at the same time; for as far as this is true it is as much confined in its application to a State within itself as the doctrine of a reciprocal proportion of prices.

General principles in subjects of this nature ought always to be advanced with caution; in an experimental analysis there are found such a number of exceptions as tend to render them very doubtful; and in questions which affect the existence and collective happiness of these States, all nice and abstract distinctions should give way to plainer interests, and to more obvious and simple rules of conduct.

But the objection which has been urged ought to have no weight on another account. Which are the States that have not sufficient advantages for foreign commerce, and that will not in time be their own carriers? Connecticut and Jersey are the least maritime of the whole; yet the Sound which washes the coast of Connecticut has an easy outlet to the ocean, affords a number of harbors and bays very commodious for trading vessels. New London may be a receptacle for merchantmen of almost any burthen; and the fine rivers with which the State is intersected, by facilitating the transportation of commodities to and from every part, are extremely favorable both to its domestic and foreign trade.

Jersey, by way of Amboy, has a shorter communication with the ocean than the city of New York. Prince's Bay, which may serve as an outport to it, will admit and shelter in winter and summer vessels of any size. Egg Harbor, on its southern coast, is not to be despised. The Delaware may be made as subservient to its commerce as to that of Pennsylvania, Gloucester, Burlington, and Trenton, being all conveniently situated on that river. The United Provinces, with inferior advantages of position to either of these States, have for centuries held the first rank among commercial nations.

The want of large trading cities has been sometimes objected as an obstacle to the commerce of these States; but this is a temporary deficiency that will repair itself with the increase of population and riches. The reason that the States in question have hitherto carried on little foreign trade, is that they

have found it equally beneficial to purchase the commodities imported by their neighbors. If the imposts on trade should work an inconvenience to them, it will soon cease by making it their interest to trade abroad.

It is too much characteristic of our national temper to be ingenious in finding out and magnifying the minutest disadvantages, and to reject measures of evident utility, even of necessity, to avoid trivial and sometimes imaginary evils. We seem not to reflect that in human society there is scarcely any plan, however salutary to the whole and to every part, by the share each has in the common prosperity, but in one way, or another, and under particular circumstances, will operate more to the benefit of some parts than of others. Unless we can overcome this narrow disposition and learn to estimate measures by their general tendencies, we shall never be a great or a happy people, if we remain a people at all.

NO. VI

July 4, 1782.

Let us see what will be the consequences of not authorizing the Federal Government to regulate the trade of these States. Besides the want of revenue and of power, besides the immediate risk to our independence and the dangers of all the future evils of a precarious Union, besides the deficiency of a wholesome concert and provident superintendence to advance the general prosperity of trade, the direct consequence will be that the landed interest

and the laboring poor will in the first place fall a sacrifice to the trading interest, and the whole eventually to a bad system of policy made necessary by the want of such regulating power.

Each State will be afraid to impose duties on its commerce, lest the other States, not doing the same, should enjoy greater advantages than itself, by being able to afford native commodities cheaper abroad and foreign commodities cheaper at home.

A part of the evils resulting from this would be a loss to the revenue of those moderate duties which, without being injurious to commerce, are allowed to be the most agreeable species of taxes to the people. Articles of foreign luxury, while they would contribute nothing to the income of the State, being less dear by an exemption from duties, would have a more extensive consumption.

Many branches of trade, hurtful to the common interest, would be continued for want of proper checks and discouragements. As revenues must be found to satisfy the public exigencies in peace and in war, too great a proportion of taxes will fall directly upon land, and upon the necessaries of life—the produce of that land. The influence of these evils will be to render landed property fluctuating and less valuable; to oppress the poor by raising the prices of necessaries; to injure commerce by encouraging the consumption of foreign luxuries, by increasing the value of labor, by lessening the quantity of home productions, enhancing their prices at foreign markets, of course obstructing their sale, and enabling other nations to supplant us.

Particular caution ought at present to be observed in this country not to burthen the soil itself and its productions with heavy impositions, because the quantity of unimproved land will invite the husbandman to abandon old settlements for new, and the disproportion of our population for some time to come will necessarily make labor dear, to reduce which, and not to increase it, ought to be a capital object of our policy.

Easy duties, therefore, on commerce, especially on imports, ought to lighten the burthens which will unavoidably fall upon land. Though it may be said that, on the principle of a reciprocal influence of prices, whereon the taxes are laid in the first instance, they will in the end be borne by all classes, yet it is of the greatest importance that no one should sink under the immediate pressure. The great art is to distribute the public burthens well, and not suffer them, either first or last, to fall too heavily on parts of the community, else distress and disorder must ensue; a shock given to any part of the political machine vibrates through the whole.

As a sufficient revenue could not be raised from trade to answer the public purposes, other articles have been proposed. A moderate land and poll tax, being of easy and unexpensive collection, and leaving nothing to discretion, are the simplest and best that could be devised.

It is to be feared that the avarice of many of the landholders will be opposed to a perpetual tax upon land, however moderate. They will ignorantly hope to shift the burthens of the national expense from

themselves to others—a disposition as iniquitous as it is fruitless. The public necessities must be satisfied; this can only be done by the contributions of the whole society. Particular classes are neither able nor will they be willing to pay for the protection and security of the others, and where so selfish a spirit discovers itself in any member, the rest of the community will unite to compel it to do its duty.

Indeed, many theorists in political economy have held that all taxes, wherever they originate, fall upon land, and have therefore been of opinion that it would be best to draw the whole revenue of the state immediately from that source, to avoid the expense of a more diversified collection, and the accumulations which will be heaped, in their several stages, upon the primitive sums, advanced in those stages, which are imposed on our trade. But though it has been demonstrated that this theory has been carried to an extreme impracticable in fact, yet it is evident, in tracing the matter, that a large part of all taxes, however remotely laid, will, by an insensible circulation, come at last to settle upon land—the source of most of the materials employed in commerce.

It appears, from calculation made by the ablest master of political arithmetic, about sixty years ago, that the yearly product of all the lands in England amounted to £42,000,000 sterling, and the whole annual consumption at that period, of foreign as well as domestic commodities, did not exceed £49,000,000, and the surplus of the exportation above the importation £2,000,000, on which sums arise all the revenues, in whatever shape, which go into the

Treasury. It is easy to infer from this how large a part of them must, directly or indirectly, be derived from land.

Nothing can be more mistaken than the collision and rivalship which almost always subsist between the landed and trading interests, for the truth is they are so inseparably interwoven that one cannot be injured without injury nor benefited without benefit to the other. Oppress trade, lands sink in value; make it flourish, their value rises. Incumber husbandry, trade declines; encourage agriculture, commerce revives. The progress of this mutual reaction might be easily delineated, but it is too obvious to every man who turns his thoughts, however superficially, upon the subject to require it. It is only to be regretted that it is too often lost sight of when the seductions of some immediate advantage or exemption tempt us to sacrifice the future to the present.

But perhaps the class is more numerous of those who, not unwilling to bear their share of public burthens, are yet averse to the idea of perpetuity, as if there ever would arrive a period when the state would cease to want revenues and taxes become unnecessary. It is of importance to unmask this delusion, and open the eyes of the people to the truth. It is paying too great a tribute to the idol of popularity, to flatter so injurious and so visionary an expectation. The error is too gross to be tolerated anywhere but in the cottage of the peasant. Should we meet with it in the Senate-house, we must lament the ignorance or despise the hypocrisy on which it is

ingrafted. Expense is in the present state of things entailed upon all governments; though, if we continue united, we shall be hereafter less exposed to wars by land than most other countries; yet while we have powerful neighbors on either extremity, and our frontier is embraced by savages whose alliance they may without difficulty command, we cannot, in prudence, dispense with the usual precautions for our interior security. As a commercial people, maritime power must be a primary object of our attention, and a navy cannot be created or maintained without ample revenues. The nature of our popular institutions requires a numerous magistracy, for whom competent provision must be made, or we may be certain our affairs will always be committed to improper hands, and experience will teach us that no government costs so much as a bad one.

We may preach, till we are tired of the theme, the necessity of disinterestedness in republics, without making a single proselyte. The virtuous declaimer will neither persuade himself nor any other person to be content with a double mess of pottage, instead of a reasonable stipend for his services. We might as soon reconcile ourselves to the Spartan community of goods and wives, to their iron coin, their long beards, or their black broth. There is a total dissimilarity in the circumstances as well as the manners of society among us, and it is as ridiculous to seek for models in the small ages of Greece and Rome, as it would be to go in quest of them among the Hottentots and Laplanders.

The public, for the different purposes that have

been mentioned, must always have large demands upon its constituents, and the only question is, whether these shall be satisfied by annual grants perpetually renewed, by a perpetual grant once for all, or by a compound of permanent and occasional supplies. The last is the wisest course. The Federal Government should neither be independent nor too much dependent. It should neither be raised above responsibility or control, nor should it want the means of maintaining its own weight, authority, dignity, and credit. To this end, permanent funds are indispensable, but they ought to be of such a nature and so moderate in their amount as never to be inconvenient. Extraordinary supplies can be the objects of extraordinary emergencies, and in that salutary medium will consist our true wisdom.

It would seem as if no mode of taxation could be relished but the worst of all modes, which now prevails,—by assessment. Every proposal for a specific tax is sure to meet with opposition. It has been objected to a poll tax at a fixed rate, that it will be unequal, and the rich will pay no more than the poor. In the form in which it has been offered in these papers, the poor, properly speaking, are not comprehended, though it is true that beyond the exclusion of the indigent the tax has no reference to the proportion of property, but it should be remembered that it is impossible to devise any specific tax that will operate equally on the whole community. It must be the province of the Legislature to hold the scales with a judicious hand and balance one by another. The rich must be made to pay for their

luxuries, which is the only proper way of taxing their superior wealth.

Do we imagine that our assessments operate equally? Nothing can be more contrary to the fact. Wherever a discretionary power is lodged in any set of men over the property of their neighbors, they will abuse it; their passions, prejudices, partialities, dislikes, will have the principal lead in measuring the abilities of those over whom their power extends; and assessors will ever be a set of petty tyrants, too unskilful, if honest, to be possessed of so delicate a trust, and too seldom honest to give them the excuse of want of skill.

The genius of liberty reprobates every thing arbitrary or discretionary in taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property the state demands; whatever liberty we may boast in theory, it cannot exist in fact while assessments continue.

The admission of them among us is a new proof how often human conduct reconciles the most glaring opposites; in the present case, the most vicious practice of despotic governments with the freest constitutions and the greatest love of liberty.

The establishment of permanent funds would not only answer the public purposes infinitely better than temporary supplies, but it would be the most effectual way of easing the people.

With this basis for procuring credit, the amount of present taxes might be greatly diminished. Large sums of money might be borrowed abroad at a low interest, and introduced into the country, to defray

the current expenses and pay the public debts; which would not only lessen the demand for immediate supplies, but would throw more money into circulation, and furnish the people with greater means of paying the taxes.

Though it be a just rule that we ought not to run in debt to avoid present expense, so far as our faculties extend, yet the propriety of doing it cannot be disputed when it is apparent that these are incompetent to the public necessities. Efforts beyond our abilities can only tend to individual distress and national disappointment. The product of the three foregoing articles will be as little as can be required to enable Congress to pay their debts and restore order into their finances. In addition to them:

The disposal of the unlocated lands will hereafter be a valuable source of revenue and an immediate one of credit. As it may be liable to the same condition with the duties on trade—that is, the product of the sales within each State to be credited to that State,—and as the rights of jurisdiction are not infringed, it seems to be susceptible of no reasonable objection.

Mines in every country constitute a branch of revenue. In this, where nature has so richly impregnated the bowels of the earth, they may in time become a valuable one; and as they require the care and attention of government to bring them to perfection, this care and a share in the profits of it will very properly devolve upon Congress. All the precious metals should absolutely be the property of the Federal Government, and with respect to the others

it should have a discretionary power of reserving, in the nature of a tax, such part as it may judge not inconsistent with the encouragement due to so important an object. This is rather a future than a present resource.

The reason of allowing Congress to appoint its own officers of the customs, collectors of the taxes, and military officers of every rank, is to create in the interior of each State a mass of influence in favor of the Federal Government. The great danger has been shown to be that it will not have power enough to defend itself and preserve the Union, not that it will ever become formidable to the general liberty; a mere regard to the interests of the Confederacy will never be a principle sufficiently active to crush the ambition and intrigues of different members. Force cannot effect it. A contest of arms will seldom be between the common sovereign and a single refractory member, but between distinct combinations of the several parts against each other. A sympathy of situations will be apt to produce associates to the disobedient. The application of force is always disagreeable—the issue uncertain. It will be wise to obviate the necessity of it, by interesting such a number of individuals in each State in support of the Federal Government as will be counterpoised to the ambition of others, and will make it difficult for them to unite the people in opposition to the first and necessary measures of the Union.

There is something noble and magnificent in the perspective of a great Federal Republic, closely linked in the pursuit of a common interest, tranquil

and prosperous at home, respectable abroad; but there is something proportionably diminutive and contemptible in the prospect of a number of petty States, with the appearance only of union, jarring, jealous, and perverse, without any determined direction, fluctuating and unhappy at home, weak and insignificant by their dissensions in the eyes of other nations.

Happy America, if those to whom thou hast intrusted the guardianship of thy infancy know how to provide for thy future repose, but miserable and undone, if their negligence or ignorance permits the spirit of discord to erect her banner on the ruins of thy tranquillity!

RESOLUTIONS FOR A GENERAL CONVENTION OF THE STATES

RESOLUTIONS FOR A GENERAL CONVENTION OF THE STATES

Passed by the Legislature of New York, Sunday, July 21, 1782.

Resolved, That it appears to this Legislature—after full and solemn consideration of the several matters communicated by the Honorable the Committee of Congress relative to the present posture of our affairs, foreign and domestic, and contained in a letter from the Secretary for Foreign Affairs respecting the former, as well as of the representations from time to time made by the Superintendent of the Finances of the United States relative to his particular department—that the situation of these States is in a peculiar manner critical, and affords the strongest reason to apprehend, from a continuance of the present constitution of the Continental Government, a subdivision of the public credit, and consequences highly dangerous to the safety and independence of these States.

Resolved, That, while this Legislature are convinced by the before-mentioned communications that, notwithstanding the generous intentions of an ally from whom we have experienced and doubtless shall still experience all possible support, exigencies may arise to prevent our receiving pecuniary succors

hereafter in any degree proportioned to our necessities; they are also convinced, from facts within their own knowledge, that the provisions made by the respective States for carrying on the war are not only inadequate to the end, but must continue to be so while there is an adherence to the principles which now direct the operation of public measures.

Resolved, That it is also the opinion of this Legislature, that the present plan instituted by Congress for the administration of their finances is founded in wisdom and sound policy; that the salutary effects of it have already been felt in an extensive degree; and that after so many violent shocks sustained by the public credit, a failure in this system, for want of the support which the States are able to give, would be productive of evils too pernicious to be hazarded.

Resolved, That it appears to this Legislature, that the present British ministry, with a disposition not less hostile than that of their predecessors, taught by experience to avoid their errors, and assuming the appearance of moderation are pursuing a scheme calculated to conciliate in Europe and seduce in America; that the economical arrangements they appear to be adopting are adapted to enlarging the credit of their government, and multiplying its resources, at the same time that they serve to confirm the prepossessions and confidence of the people; and that their plan of a defensive war on this continent, while they direct all their attention and resources to the augmentation of their navy, is that which may

be productive of consequences ultimately dangerous to the United States.

Resolved, That it is the opinion of this Legislature, that the present system of these States exposes the common cause to a precarious issue, and leaves us at the mercy of events over which we have no influence, —a conduct extremely unwise in any nation and at all times, and to a change of which we are impelled at this juncture by reasons of peculiar and irresistible weight; and that it is the natural tendency of the weakness and disorders in our national measures to spread diffidence and distrust among the people, and prepare their minds to receive the impressions the enemy wish to make.

Resolved, That the general state of European affairs, as far as they have come to the knowledge of this Legislature, affords, in their opinion, reasonable ground of confidence, and assures us that with judicious, vigorous exertion on our part we may rely on the final attainment of our object; but far from justifying indifference and security, calls upon us by every motive of honor, good faith, and patriotism, without delay, to unite in some system more effectual for producing energy, harmony, and consistency of measures than that which now exists, and more capable of putting the common cause out of the reach of contingencies.

Resolved, That in the opinion of this Legislature the radical source of most of our embarrassments is the want of sufficient power in Congress to effectuate that ready and perfect co-operation of the different States on which their immediate safety and future

happiness depend; that experience has demonstrated the Confederation to be defective in several essential points, particularly in not vesting the Federal Government either with a power of providing revenue for itself, or with ascertained and productive funds, secured by a sanction so solemn and general as would inspire the fullest confidence in them and make them a substantial basis of credit—that these defects ought to be without loss of time repaired, the powers of Congress extended, a solid security established for the payment of debts already incurred, and competent means provided for future credit and for supplying the current demands of the war.

Resolved, That it appears evident to this Legislature, that the annual income of these States, admitting the best means were adopted for drawing out their resources, would fall far short of the annual expenditure, and that there would be a large deficiency to be supplied on the credit of the States, which, if it should be inconvenient for those powers to afford on whose friendship we justly rely, must be sought for from individuals, to engage whom to lend, satisfactory securities must be pledged for the punctual payment of interest and the final redemption of the principal.

Resolved, That it appears to this Legislature, that the foregoing important ends can never be attained by partial deliberations of the States separately, but that it is essential to the common welfare that there should be as soon as possible a conference of the whole on the subject, and that it would be advisable

for this purpose to propose to Congress to recommend, and to each State to adopt, the measure of assembling a GENERAL CONVENTION OF THE STATES, specially authorized to revise and amend the CONFEDERATION, reserving a right to the respective LEGISLATURES to ratify their determinations.

SPEECHES AND RESOLUTIONS IN CONGRESS

SPEECHES AND RESOLUTIONS IN CONGRESS[1]

MONDAY, January 27, 1783.

MR. HAMILTON went extensively into the subject; the sum of it was as follows: He observed that funds considered as permanent sources of revenue were of two kinds: first, such as would extend generally and uniformly throughout the United States, and would be collected under the authority of Congress; secondly, such as might be established separately within each State, and might consist of any objects which were chosen by the States, and might be collected either under the authority of the States or of Congress. Funds of the first kind, he contended, were preferable; as being, first, more simple, the difficulties attending the mode of fixing the quotas laid down in the Confederation rendering it extremely complicated, and in a manner

[1] Almost all the resolutions offered in Congress by Hamilton are omitted here, because they are given in the journals of that body. Many of them are unimportant, and nearly all are the work of committees. Those which follow are retained solely because they show the drift of Hamilton's mind at this time on the subject of government, and the nature of his efforts as a public man to bring about the desired changes in our political system. The speeches are taken from Madison's *Debates*, and although mere fragments, illustrate better than anything else the character of Hamilton's work as a delegate to the Congress of the Confederation.

insuperable; secondly, as being more certain, since the States, according to the said plan, would probably retain the collection of the revenue, and a vicious system of collection prevailed generally throughout the United States,—a system by which the collectors were chosen by the people, and made their offices more subservient to their popularity than to the public revenue; thirdly, as being more economical, since the collection would be effected with fewer officers under the management of Congress than under that of the States.

TUESDAY, January 28th.

Mr. Hamilton, in reply to Mr. Ellsworth, dwelt long on the inefficacy of State funds. He supposed, too, that greater obstacles would arise to the execution of the plan than to that of a general revenue. As an additional reason for the latter to be collected by officers under the appointment of Congress, he signified that as the energy of the Federal Government was evidently short of the degree necessary for pervading and uniting the States, it was expedient to introduce the influence of officers deriving their emoluments from, and consequently interested in supporting the power of, Congress.[1]

[1] This remark was imprudent and injurious to the cause which it was meant to serve. This influence was the very source of the jealousy which rendered the States averse to a revenue under collection, as well as appropriation, of Congress. All the members of Congress who concurred in any degree with the States in this jealousy smiled at the disclosure. Mr. Bland, and still more Mr. Lee, who were of this number, took notice in private conversation that Mr. Hamilton had let out the secret. (Note by Madison.)

WEDNESDAY, January 29th.

Mr. Hamilton disliked every plan that made but partial provision for the public debts, as an inconsistent and dishonorable departure from the declaration made by Congress on that subject. He said the domestic creditors would take the alarm at any distinctions unfavorable to their claims; that they would withhold their influence from any such measures recommended by Congress; and that it must be principally from their influence on their respective Legislatures that success could be expected to any application from Congress for a general revenue.

February 12, 1783.

Resolved, That it is the opinion of Congress that complete JUSTICE cannot be done to the creditors of the United States, nor the restoration of PUBLIC CREDIT be effected, nor the future exigencies of the war provided for, but by the establishment of permanent and adequate funds to operate generally throughout the United States, *to be collected by Congress*.[1]

[1] There has been much useless controversy as to whether the honor of first advocating the establishment of permanent funds belongs to Hamilton, Madison, or Wilson of Pennsylvania. (See Hamilton's *History of the Republic*, ii., 398, and Rives' *Life of Madison*, i., 437.) The first suggestion of permanent funds was in the report of a Committee on the Army Memorial, drafted by Hamilton. (See Journals of Congress, Jan. 25, 1783.) Then followed the debates on this question of public credit, and the speeches given above show that Hamilton took strong grounds in favor of permanent funds. On Jan. 29th, a resolution for permanent funds was passed substantially as above, and was amended Feb. 12th. Madison and Wilson both sustained the principle. It is of no importance whether the ultimate resolution was identical with this of Hamilton's or not. This resolution, as given here, shows Hamilton's views exactly, and that is sufficient.

OPEN DEBATE

WEDNESDAY, February 19th.

Mr. Hamilton said, in support of his motion,[1] that it was in vain to attempt to gain the concurrence of the States by removing the objections publicly assigned by them against the impost; that these were the ostensible and not the true objections; that the true objection on the part of Rhode Island was the interference of the impost with the opportunity afforded by their situation of levying contributions on Connecticut, etc., which received foreign supplies through the ports of Rhode Island; that the true objection on the part of Virginia was her having little share in the debts due from the United States, to which the impost would be applied; that a removal of the avowed objections would not therefore remove the obstructions, whilst it would admit, on the part of Congress, that their first recommendation went beyond the absolute exigencies of the public; that Congress, having taken a proper ground at first, ought to maintain it till time should convince the States of the propriety of the measure.

Mr. Hamilton opposed the motion[2] strenuously; declared that, as a friend to the army as well as to the other creditors and to the public at large, he would never assent to such a partial distribution of justice; that the different States, being differently attached to different branches of the public debt,

[1] To postpone clause limiting time of duration of impost, and to make it unlimited in duration.

[2] By Mr. Rutledge, to appropriate impost to army exclusively.

would never concur in establishing a fund which was not extended to every branch; that it was impolitic to divide the interests of the civil and military creditors, whose joint efforts in the States would be necessary to prevail on them to adopt a general revenue.

1783.

Whereas it is the desire of Congress that the motives of their deliberations and measures (so far as they can be disclosed consistently with the public safety) should be fully known to their constituents, therefore

Resolved, That when the establishment of funds for paying the principal and interest of the public debt shall be under the consideration of this House, the doors shall be opened.

MUTINY OF TROOPS

June 21, 1783.

Resolved,[1] That the President and Supreme Executive Council of Pennsylvania be informed that the

[1] This resolution, and those which follow, with the exception of the very next series, relate to the mutiny of certain troops at Philadelphia and Lancaster. Congress was threatened and insulted, and the Government of Pennsylvania displayed great feebleness. Hamilton favored most vigorous measures, and subsequently defended his action and that of Congress in *The Vindication*. His resolutions and other writings in connection with this incident do not strictly belong to his writings on government, but they show the difficulties with which he was contending, the way in which he met a danger that shook severely the crazy fabric of the Confederation, and the use which he made of this wretched affair to advance his broad and far-reaching schemes.

authority of the United States having been this day grossly insulted by the disorderly and menacing appearance of a body of armed soldiers about the place within which Congress were assembled, and the peace of this city being endangered by the mutinous disposition of said troops, now in the barracks, it is, in the opinion of Congress, necessary that effectual measures be immediately taken for supporting the public authority.

Resolved, That the Committee, on a letter from Colonel Butler, be directed to confer, without loss of time, with the Supreme Executive Council of Pennsylvania, on the practicability of carrying the preceding resolution into effect; and that in case it shall appear to the Committee that there is not a satisfactory ground for expecting adequate and prompt exertions of this State, for supporting the dignity of the Federal Government, the President, on the advice of the Committee, be authorized to summon the members of Congress to meet on Thursday next, at Trenton or Princeton, in New Jersey, in order that further and more effectual measures may be taken for suppressing the present revolt and maintaining the dignity and authority of the United States.

Resolved, That the Secretary of War be directed to communicate to the Commander-in-Chief the state and disposition of the said troops, in order that he may take immediate measures to dispatch to this city such force as he may judge expedient for suppressing any disturbances that may ensue.

RESOLUTIONS FOR A GENERAL CONVENTION

June 30, 1783.

Whereas, in the opinion of this Congress, the Confederation of the United States is defective in the following essential points, to wit:

Firstly, and generally: In confining the power of the Federal Government within too narrow limits; withholding from it that efficacious authority and influence, in all matters of general concern, which are indispensable to the harmony and welfare of the whole; embarrassing general provisions by unnecessary details and inconvenient exceptions incompatible with their nature, tending only to create jealousies and disputes respecting the proper bounds of the authority of the United States, and of that of the particular States, and a mutual interference of the one with the other.

Secondly: In confounding legislative and executive powers in a single body: as, that of determining on the number and quantity of force, land and naval, to be employed for the common defence, and of directing their operations when raised and equipped, with that of ascertaining and making requisitions for the necessary sums or quantities of money to be paid by the respective States into the common treasury; contrary to the most approved and well-founded maxims of free government, which require that the legislative, executive, and judicial authorities should be deposited in distinct and separate hands.

Thirdly: In want of a Federal Judicature, having

cognizance of all matters of general concern in the last resort, especially those in which foreign nations and their subjects are interested; from which defect, by the interference of the local regulations of particular States militating directly or indirectly against the powers vested in the Union, the national treaties will be liable to be infringed, the national faith to be violated, and the public tranquillity to be disturbed.

Fourthly: In vesting the United States in Congress assembled with the *power of general taxation*, comprehended in that of "ascertaining the necessary sums of money to be raised for the common defence, and of appropriating and applying the same, for defraying the public expenses"; and yet rendering that power, so essential to the existence of the Union, nugatory, by withholding from them all control over either the imposition or the collection of the taxes for raising the sums required: whence it happens that the inclinations, not the abilities, of the respective States are, in fact, the criterion of their contributions to the common expense; and the public burthen has fallen, and will continue to fall, with very unequal weight.

Fifthly: In fixing a rule for determining the proportion of each State towards the common expense, which, if practicable at all, must, in the execution, be attended with great expense, inequality, uncertainty, and difficulty.

Sixthly: In authorizing Congress "to borrow money, or emit bills on the credit of the United States," without the power of establishing funds to secure the repayment of the money borrowed, or

the redemption of the bills emitted; from which must result one of these evils: Either a want of sufficient credit, in the first instance, to borrow, or to circulate the bills emitted, whereby, in great national exigencies, the public safety may be endangered; or, in the second instance, frequent infractions of the public engagements, disappointments to lenders, repetitions of the calamities of depreciating paper, a continuance of the injustice and mischiefs of an unfunded debt, and, first or last, the annihilation of public credit.

Indeed, in authorizing Congress at all to emit an *unfunded* paper as the sign of value, a resource which, though useful in the infancy of this country, and indispensable in the commencement of the revolution, ought not to continue a formal part of the Constitution, nor ever, hereafter, to be employed, being, in its nature, pregnant with abuses, and liable to be made the engine of imposition and fraud, holding out temptations equally pernicious to the integrity of government and to the morals of the people.

Seventhly: In not making proper or competent provisions for interior or exterior defence. For interior defence, by leaving it to the individual States to appoint all regimental officers of the land-forces; to raise the men in their own way; to clothe, arm, and equip them at the expense of the United States: from which circumstances have resulted, and will hereafter result, great confusion in the military department; continual disputes of rank; languid and disproportionate levies of men; an enormous increase of expense, for want of system and uniformity in the

manner of conducting them, and from the competitions of State bounties; by an ambiguity in the fourth clause of the sixth article, susceptible of a construction which would devolve upon the particular States in time of peace the care of their own defence, both by sea and land, and would preclude the United States from raising a single regiment, or building a single ship, before a declaration of war or an actual commencement of hostilities,—a principle dangerous to the Confederacy in different respects, by leaving the United States at all times unprepared for the defence of their common rights, obliging them to begin to raise an army and to build and equip a navy at the moment they would have occasion to employ them, and by putting into the hands of a few States, who, from their local situations, are more immediately exposed, all the standing forces of the country; thereby, not only leaving the care of the safety of the whole to a part which will naturally be both unwilling and unable to make effectual provision at its particular expense, but also furnishing grounds of jealousy and distrust between the States; unjust, in its operation, to those States in whose hands they are, by throwing the exclusive burthen of maintaining those forces upon them, while their neighbors, immediately, and all the States, ultimately, would share the benefits of their services.

For exterior defence, in authorizing Congress to "build and equip a navy" without providing any means of manning it, either by requisitions of the States, by the power of registering and draughting the seamen in rotation, or by embargoes in cases of

emergency to induce them to accept employment on board the ships of war; the omission of all of which, leaves no other resource than voluntary enlistment, —a resource which has been found ineffectual in every country, and, for reasons of peculiar force, in this.

Eighthly: In not vesting in the United States, a general superintendence of trade, equally necessary in the view of revenue and regulation. Of revenue, because duties on commerce, when moderate, are one of the most agreeable and productive species of it; which cannot, without great disadvantages, be imposed by particular States while others refrain from doing it, but must be imposed in concert, and by laws operating upon the same principles, at the same moment, in all the States, otherwise those States which should not impose them would engross the commerce of such of their neighbors as did. Of regulation, because by general prohibitions of particular articles, by a judicious arrangement of duties, sometimes by bounties on the manufacture or exportation of certain commodities, injurious branches of commerce might be discouraged, favorable branches encouraged, useful products and manufactures promoted, none of which advantages can be as effectually attained by separate regulations, without a general superintending power; because, also, it is essential to the due observance of the commercial stipulations of the United States with foreign powers, an interference with which will be unavoidable if the different States have the exclusive regulation of their own trade, and, of course, the construction of the treaties entered into.

Ninthly: In defeating essential powers by provisions and limitations inconsistent with their nature, as the power of making treaties with foreign nations, "*provided* that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the importation or exportation of any species of goods or commodities whatsoever"; a proviso, susceptible of an interpretation which includes a constitutional possibility of defeating the treaties of commerce entered into by the United States. As also the power "of regulating the trade and managing all affairs with the Indians, not members of any of the States, *provided* that the legislative right of any State, within its own limits, be not infringed or violated"; and others of a similar nature.

Tenthly: In granting the United States the sole power "of regulating the alloy and value of coin struck by their own authority or by that of the respective States," without the power of regulating the foreign coin in circulation; though the one is essential to the due exercise of the other, as there ought to be such proportions maintained, between the national and foreign coin as will give the former preference in all internal negotiations; and without the latter power the operations of government, in a matter of primary importance to the commerce and finances of the United States, will be exposed to numberless obstructions.

Eleventhly: In requiring the assent of ***nine*** States

to matters of principal importance, and of seven to all others, except adjournments from day to day; a rule destructive of vigor, consistency, or expedition in the administration of affairs; tending to subject the sense of the majority to that of the minority, by putting it in the power of a small combination to retard, and even to frustrate, the most necessary measures; and to oblige the greater number, in cases which require speedy determinations, as happens in the most interesting concerns of the community, to come into the views of the smaller; the evils of which have been felt in critical conjunctures, and must always make the spirit of government a spirit of compromise and expedient rather than of system and energy.

Twelfthly: In vesting in the Federal Government the sole direction of the interests of the United States, in their intercourse with foreign nations, without empowering it to pass all general laws in aid and support of the laws of nations; for the want of which authority the faith of the United States may be broken, their reputation sullied, and their peace interrupted by the negligence or misconception of any particular State.

And whereas, experience hath clearly manifested that the powers reserved to the Union in the Confederation are unequal to the purpose of effectually drawing forth the resources of the respective members, for the common welfare and defence: whereby the United States have, upon several occasions, been exposed to the most critical and alarming situations; have wanted an army adequate to their defence, and

proportioned to the abilities of the country; have, on account of that deficiency, seen essential posts reduced, others eminently endangered, whole States, and large parts of others overrun and ravaged by small bodies of the enemy's forces; have been destitute of sufficient means of feeding, clothing, paying, and appointing that army; by which the troops, rendered less efficient for military operations, have been exposed to sufferings which nothing but unparalleled patience, perseverance, and patriotism could have endured; whereby, also, the United States have been too often compelled to make the administration of their affairs a succession of temporary expedients, inconsistent with order, economy, energy, or a scrupulous adherence to the public engagements; and now find themselves, at the close of a glorious struggle for independence, without any certain means of doing justice to those who have been its principal supporters,—to an army which has bravely fought and patiently suffered, to citizens who have cheerfully lent their money, and to others who have in different ways contributed their property and their personal service to the common cause; obliged to rely, for the only effectual mode of doing that justice, by funding the debt on solid securities, on the precarious concurrence of thirteen distinct deliberatives, the dissent of either of which may defeat the plan, and leave these States, at this early period of their existence, involved in all the disgrace and mischiefs of violated faith and national bankruptcy.

And whereas, notwithstanding we have, by the

blessing of Providence, so far happily escaped the complicated dangers of such a situation, and now see the object of our wishes secured by an honorable peace, it would be unwise to hazard a repetition of the same dangers and embarrassments in any future war in which these States may be engaged, or to continue this extensive empire under a government unequal to its protection and prosperity.

And whereas, it is essential to the happiness and security of these States, that their union should be established on the most solid foundations; and it is manifest that this desirable object cannot be effected but by a government capable, both in peace and war, of making every member of the Union contribute, in just proportion, to the common necessities, and of combining and directing the forces and wills of the several parts to a general end; to which purposes, in the opinion of Congress, the present Confederation is altogether inadequate.

And whereas, on the spirit which may direct the councils and measures of these States at the present juncture may depend their future safety and welfare, Congress conceives it to be their duty freely to state to their constituents the defects which, by experience, have been discovered in the present plan of the Federal Union, and solemnly to call their attention to a revisal and amendment of the same.

Therefore, *Resolved*, That it be earnestly recommended to the several States to appoint a Convention to meet at , on the day of , with full powers to revise the Confederation, and to adopt and propose such alterations

as to them shall appear necessary; to be finally approved or rejected by the States respectively; and that a Committee of be appointed to prepare an address upon the subject.

MUTINY OF THE TROOPS

July 1, 1783.

Resolved, That Major-General Howe be directed to march such part of the force under his command as he shall judge necessary to the State of Pennsylvania, in order that immediate measures may be taken to confine and bring to trial all such persons belonging to the army as have been principally active in the late meeting, to disarm the remainder, and to examine fully into all the circumstances relating thereto.

That in the exercise of the foregoing resolution, if any matters shall arise which may concern the civil jurisdiction, or in which its aid may be necessary, application be made for the same to the executive authorities of the State.

MUTINY OF THE TROOPS

July 1, 1783.

The Committee, consisting of Mr. Hamilton, Mr. Ellsworth, and Mr. Peters, to whom were referred a letter of the 17th of June from Col. R. Butler, at Lancaster, and sundry papers communicated to Congress by the Executive Council of Pennsylvania, through their delegates, having, on the 19th of June,

made a verbal report, and on the 20th of the same month, a report in writing, and the written report being on the 30th recommitted that they might amend it by adding thereto their verbal report, and the report being this day brought in with the said amendment, ordered that it be entered on the journal.

Report

The Committee, to whom were referred the letters and papers communicated to Congress by the Executive Council of Pennsylvania, through their delegates, report: That they had a conference yesterday, as directed, with the Supreme Executive Council, in which, in the first instance, the propriety of calling out a detachment of militia to intercept the mutineers on their march from Lancaster was proposed to the Council, suggesting the danger of their being suffered with impunity to join the troops in the barracks, who a few days before had manifested a dangerous spirit by an insolent and threatening message sent to Congress in the name of a board of sergeants, and who, it was apprehended, would be ready to make common cause with those on their march for mutinous purposes; that the Council having shown a reluctance to call out any part of the militia, expressing an opinion that they would not be willing to act till some outrage should have been committed by the troops, there appeared to the Committee no alternative but to endeavor to dissuade the mutineers from coming to town, and if they failed in that attempt, to make use of expedients

to prevent the troops in the barracks from joining in any excesses, and to induce the detachment from Lancaster to return to that place; that, in this view, and at their desire, the Assistant Secretary of War met the detachment then on its march to the city, and endeavored to engage them to return to the former place, urging the considerations contained in the annexed instructions within, but the said detachment persisted in their intention of coming to this city and arrived here this morning; that upon conferring with the Superintendent of Finance they find there is a probability that the Paymaster General, to whom the settlement of the accounts of the army has been committed, and who, having all the documents in his possession, can alone execute the business with propriety, will shortly arrive from the army, and will immediately enter upon a settlement with the troops in this State; that, in the meantime, measures will be taken to prepare the business for a future adjustment; that there will immediately be sent to Lancaster a sum of money to be paid to the troops on account of the month's pay heretofore described to be advanced to them, the payment of which has hitherto been delayed by particular circumstances, together with notes for three months' pay, intended to be advanced to the men when furloughed; that they have desired this information to be transmitted to the commanding officer here and at Lancaster, with this declaration, that the corps stationed at Lancaster, including the detachment, can only be settled with or paid at that place.

Instructions to Major Jackson

SIR:

Information having been received that a detachment of about eighty mutineers are on their way from Lancaster to this place, you will please to proceed to meet them, and to endeavor by every prudent method to engage them to return to the post they have left. You will inform them of the orders that have been given, permitting them to remain in service till their accounts shall have been settled, if they prefer it to being furloughed, and of the allowance of pay which has been made to the army at large, and in which they are to be included. You will represent to them that their accounts cannot be settled without their officers, whom they have left behind them at Lancaster. You will represent to them with coolness but energy the impropriety of such irregular proceedings, and the danger they will run by persisting in an improper conduct. You will assure them of the best intentions in Congress to do them justice, and of the absurdity of their expecting to procure it more effectually by intemperate proceedings. You will point out to them the tendency which such proceedings may have to raise the resentments of their country, and to indispose it to take effectual measures for their relief. In short, you will urge every consideration in your power to induce them to return, at the same time avoiding whatever may tend to irritate. If they persist in coming to town, you will give the earliest notice to us of their progress and disposition. Should they want provisions, you will assure them of a supply, if they will

remain where they are, which you are to endeavor to persuade them to do, in preference to coming to town.

I am, sir,
Your most obedient servant,
A. HAMILTON,
In behalf of the Committee.

PHILADELPHIA, June 19, 1783.

The Committee, consisting of Mr. Hamilton and Mr. Ellsworth, appointed on the 21st of June, to confer with the Supreme Executive Council of Pennsylvania on the practicability of taking effectual measures to support the public authority, having delivered in a report, ordered that it be entered in the journal.

Report

The Committee appointed to confer with the Supreme Executive Council of Pennsylvania on the practicability of taking effectual measures to support the public authority, in consequence of the disorderly and menacing appearance of a body of armed soldiers surrounding the place where Congress were assembled on Saturday the 21st, beg leave to report.

That they had a conference the morning following with the Supreme Executive Council, agreeable to the intention of Congress, and having communicated their resolution on that subject, informed the Council that Congress considered the proceeding on which that resolution was founded of so serious a nature as to render palliatives improper, and to require that vigorous measures should be taken to put a stop to

the further progress of the evil, and to compel submission on the part of the offenders; that, in this view, they had thought it expedient to declare to the Executive of the State in which they reside the necessity of taking effectual measures for supporting the public authority; that though they had declined a specification of the measures which they would deem effectual, it was their sense that a number of the militia should be immediately called out, sufficient to suppress the revolt; that Congress, unwilling to expose the United States to a repetition of the insult, had suspended their ordinary deliberations in this city, till proper steps could be taken to provide against the possibility of it.

The Council, after some conversation, informed the Committee that they would wish, previous to a determination, to ascertain the state and disposition of the militia, and to consult the officers for that purpose.

The day following the Committee waited upon the Council for their final resolution, having previously presented a letter addressed to his Excellency the President, of which a copy is annexed,[1] requesting the determination of the Council in writing. The Council declined a written answer, alleging that it had been unusual on similar occasions; that they

[1] "SIR:—We have the honor to enclose for your Excellency and the Council, a copy of the resolutions communicated in our conference yesterday. Having then fully entered into all the explanations which were necessary on the subject, we shall not trouble your Excellency with a recapitulation, but as the object is of a delicate and important nature, we think it our duty to request the determination of the Council in writing."

PHILADELPHIA, June 23, 1783.

were unwilling to do any thing which might appear an innovation in the manner of conducting conferences between their body and committees of Congress; adding, however, that they were ready to give their answer in writing if Congress should request it. They then proceeded to a verbal answer, in substance as follows: that the Council had a high respect for the representative sovereignty of the United States, and were disposed to do every thing in their power to support its dignity. That they regretted the insult which had happened, with this additional motive of sensibility, that they had themselves had a principal share in it. That they had consulted a number of well-informed officers of the militia, and found that nothing in the present state of things was to be expected from that quarter. That the militia of the city in general were not only ill-provided for service, but disinclined to act upon the present occasion. That the Council did not believe any exertions were to be looked for from them, except in case of further outrage and actual violence to person or property. That in such case a respectable body of citizens would arm for the security of their property and of the public peace; but it was to be doubted what measure of outrage would produce this effect; and in particular, it was not to be expected merely from a repetition of the insult which had happened.

The Council observed that they thought it their duty to communicate their expectations with candor, and passed from the subject of the practicability of vigorous measures to the policy of them. They

stated that General St. Clair, with the approbation of several members of Congress and of Council, had, by a declaration in writing, permitted the mutineers to choose a committee of commissioned officers to represent their grievances to Council, and had authorized them to expect that a conference would be allowed for that purpose. That it was said the mutineers began to be convinced of their error, and were preparing submissions. That from the steps which had been taken, the business seemed to be in a train of negotiation, and that it merited consideration, how far it would be prudent to terminate the matter in that way rather than employ coercive means.

The Committee remarked, with respect to the scruple about giving an answer in writing, that they could not forbear differing in opinion as to its propriety. That nothing was more common than written communications between the Executives of the different States and the Civil and military officers acting under the authority of the United States; that for a much stronger reason there was a propriety in this mode of transacting business between the Council and a Committee of the body of Congress. That indeed it would be conformable to the most obvious and customary rules of proceeding, and that the importance of the present occasion made it desirable to give every transaction the greatest precision. With respect to the practicability of employing the militia, the Committee observed that this was a point of which the Council was alone competent to judge. That the duty of the

Committee was performed in explicitly signifying the expectations of Congress.

And with respect to the policy of coercion, the Committee remarked that the measures taken by Congress clearly indicated their opinion that the excesses of the mutineers had passed the bounds within which a spirit of compromise might consist with the dignity and even safety of government. That impunity for what had happened might encourage to more flagrant proceedings, invite others to follow the example, and extend the mischief. That the passiveness of conduct observed toward the detachment which had mutinied at Lancaster, and came to the city in defiance of their officers, had, no doubt, led to the subsequent violences. That these considerations had determined Congress to adopt decisive measures. That besides the application to the State in which they reside for its immediate support, they had not neglected other means of ultimately executing their purposes, but had directed the Commander-in-Chief to march a detachment of troops toward the city. That whatever moderation it might be prudent to exercise toward the mutineers, when they were once in the power of the government, it was necessary, in the first instance, to place them in that situation. That Congress would probably continue to pursue this object unless it should be superseded by unequivocal demonstrations of submission on the part of the mutineers. That they had hitherto given no satisfactory evidence of this disposition, having lately presented the officers they had chosen to represent their grievances, with a

formal commission in writing, enjoining them, if necessary, to use compulsory means for redress, and menacing them with death in case of their failing to execute their views. Under this state of things the Committee could not forbear suggesting to the Council that it would be expedient for them so to qualify the reception which they should think proper to give to any propositions made by the mutineers, as not to create embarrassment, should Congress continue to act on the principle of coercion.

The Committee, finding that there was no satisfactory ground to expect prompt and adequate exertions on the part of the Executive of this State for supporting the public authority, were bound, by the resolution under which they acted, to advise the President to summon Congress to assemble at Princeton or Trenton on Thursday the 26th inst.

Willing, however, to protract the departure of Congress as long as they could be justified in doing it, still hoping that further information would produce more decisive measures on the part of the Council, and desirous of seeing what complexion the intimated submissions would assume, they ventured to defer advising the removal till the afternoon of the day following that on which the answer of Council was given. But having then received no further communication from the Council, and having learned from General St. Clair that the submissions proposed to be offered by the mutineers, through the officers they had chosen to represent them, were not of a nature sufficiently explicit to be accepted or relied on; that they would be accompanied by new

demands, to which it would be improper to listen; that the officers themselves composing the committee had shown a mysterious reluctance to inform General St. Clair of their proceedings; had refused in the first instance to do it, and had afterwards only yielded to a peremptory demand on his part; the Committee could no longer think themselves at liberty to delay their advice for an adjournment, which they this day accordingly gave; persuaded, at the same time, that it was necessary to impress the mutineers with a conviction that extremities would be used against them before they would be induced to resolve on a final and unreserved submission.

PHILADELPHIA, June 24, 1783.

VINDICATION OF CONGRESS

VINDICATION OF CONGRESS

HOWEVER men actuated by private pique or party views may take pleasure in stigmatizing the conduct of Congress, with or without reason, considerate and good men, who are solicitous for the honor of their country, will act upon very different principles. They will view with regret those instances in which the measures of that body may be really entitled to blame, will be cautious how they bestow it where it is not merited, and will always examine with candor before they condemn. Though it is certainly true that the infallibility of that or any other body is a doctrine to be reprobated in a free country, and a servile complaisance to its errors would be as dangerous as despicable, yet it must be allowed that an opposite extreme may be little less pernicious.

A captious disposition to arraign without examination—to accumulate undistinguishing censure—to excite jealousies against the phantom, without the substance of power—to blame for defects in the Constitution itself, not in the administration of it—is a vice of nearly as mischievous a tendency in the public mind, as a blind and superstitious reverence.

In the present circumstances of this country, most evil is to be apprehended from the prevalency of the

former spirit; for new governments emerging out of a revolution are naturally deficient in authority, and require that every effort should be made to strengthen, not to undermine, the public confidence. This observation applies with peculiar force to the government of the Union—the constitutional imbecility of which must be apparent to every man of reflection.

It is therefore painful to hear, as is too fashionable a practice, indiscriminate censure heaped upon Congress for every public failure and misfortune, without considering the entire disproportion between the means which that body have it in their power to employ, and their responsibility.

It is equally exceptionable to see all the errors of their predecessors concentred in a mass of accusation against the subsisting body. If there have been meritorious acts performed by Congress at any period of the Revolution, all the praise of it is confined to the immediate actors; if there have been faults committed, they descend with increasing odium upon all who come after. The good deeds of Congress die, or go off the stage with the individuals who are the authors of them, but their mistakes are the inheritance of all those who succeed.

It is true, Congress in a political capacity are perpetual; but the individuals who compose it in fact undergo frequent changes. It is not more reasonable to charge any present set of members for the mismanagement of a former set—allowing it to be real—than it would be to impute to George the Third the crimes of Henry the Eighth. It is a principle of the English law that the king never dies, and yet no

man in his senses, on account of this fiction of the law, will transfer to the reigning monarch the infamy of his predecessor's misconduct. It is not less unjust or absurd to blame a subsisting Congress, the greater part of whose members have had no agency in the measures which are the objects of crimination, for the ill consequences of those measures.

It is not much to be wondered at that this error should exist among the uninformed parts of the community, who can only be expected to have general notions of Congress, without any precise ideas of their constitution, and who, therefore, will be disposed to view them always under the same form, without attending to the changes which the body is continually undergoing. But when men more enlightened fall into the same fallacy, it is an argument of disingenuous intentions, and proves them to be under the influence of passion, of prejudice, or of something worse.

The chief topics of clamor against Congress are, either positive breaches of faith, by avowed departures from express stipulations, as in the reduction of the Continental money from forty to one, or negative, as the general non-performance of the public engagements.

As to those of the first kind, without entering into a discussion of particular instances—without examining whether those which may have happened may have been produced by inexperience, necessity, levity, or design—it will be sufficient, in justification of the present Congress, to say that a large majority

of them had no share whatever in those acts which are the subject of complaint. And to those of the last kind, there always has been, and is, a conclusive and satisfactory answer to be given for Congress. The power of raising money is not vested in them. All they can do is to assign their quota to the several States, and to make requisitions from them. This they have not failed to do in the most ample manner; and if the States do not comply, to enable them to execute their engagements, the delinquency is not to be charged upon Congress.

Should it be said that Congress ought not to have made engagements without the power of fulfilling them, this is to say that they ought to have given up the contest, and to have betrayed the liberty of America. It was necessary to incur debts to support the Revolution; and no man who is a sincere friend to it can be serious in advancing the position that this essential resource ought not to have been employed, from a scruple of that nature.

If Congress, indeed, after a definitive conclusion of the peace, consent to be the instruments of future engagements, without more effectual provisions at their disposal, they will then merit the indignation of every honest man.

But the present Congress have more than this general argument to offer in their vindication. They can say, with truth, that so far from having committed any positive violations of faith, they have manifested a uniform and anxious solicitude for the restoration of public credit, and for doing complete justice to every class of public creditors. Having

found, by repeated and daily experience, that the provisions of the Confederation were unequal to the purpose, they have had recourse to extraordinary expedients. The plan of April 18, 1782, for funding the public debt, is now depending before the several Legislatures; nor is it possible for them to give a more decisive proof of their disposition to justice than is contained in that plan.

Congress stand in a very delicate and embarrassing situation. On the one hand they are blamed for not doing what they have no means of doing; on the other their attempts are branded with the imputations of a spirit of encroachment and a lust of power.

In these circumstances, it is the duty of all those who have the welfare of the community at heart to unite their efforts to direct the attention of the people to the true source of the public disorders—the want of an EFFICIENT GENERAL GOVERNMENT,—and to impress upon them this conviction, that those States, to be happy, must have a stronger bond of UNION and a CONFEDERATION capable of drawing forth the resources of the country. This will be a more laudable occupation than that of cavilling against measures the imperfection of which is the necessary result of the Constitution. [The residue is not preserved.[1]]

[1] This is the statement of John C. Hamilton; and yet, in his *History of the Republic* (ii., 566, *et seq.*), he makes further quotations, apparently from this paper. The editor has not been able to recover the complete paper. If it should be found before these volumes are all printed, the missing residue will be given in the appendix.

ADDRESS OF THE ANNAPOLIS CONVENTION

ADDRESS OF THE ANNAPOLIS CONVENTION[1]

1786

To the Honorable the Legislatures of Virginia, Delaware, Pennsylvania, and New York.

The commissioners from the said States, respectively, assembled at Annapolis, humbly beg leave to report: That pursuant to their several appointments they met at Annapolis, in the State of Maryland, on the eleventh day of September, instant, and having proceeded to a communication of their powers, they found that the States of New York, Pennsylvania, and Virginia had, in substance, and nearly in the same terms, authorized their respective commissioners to meet such commissioners as were or might be appointed by the other States in the Union, at such time and place as should be agreed upon by the said commissioners, to take into consideration the trade and commerce of the United States, to consider how far a uniform system in their commercial intercourse and regulations might be necessary to their common interest and permanent harmony, and

[1] This convention was sparsely attended. Its only result was this address, which was much weakened to suit Edmund Randolph, and was not at all up to Hamilton's standard. It, however, did its work and produced the Philadelphia Convention.

to report to the several States such an act relative to this great object as, when unanimously ratified by them, would enable the United States in Congress assembled effectually to provide for the same.

That the State of Delaware had given similar powers to their commissioners; with this difference only, that the act to be framed in virtue of these powers is required to be reported "to the United States in Congress assembled, to be agreed to by them, and confirmed by the Legislature of every State."

That the State of New Jersey had enlarged the object of their appointment, empowering their commissioners "to consider how far a uniform system in their commercial regulations, and *other* important matters, might be necessary to the common interest and permanent harmony of the several States; and to report such an act on the subject as, when ratified by them, would enable the United States in Congress assembled effectually to provide for the exigencies of the Union."

That appointments of commissioners have also been made by the States of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom, however, have attended. But that no information has been received by your commissioners of any appointment having been made by the States of Connecticut, Maryland, South Carolina, or Georgia. That the express terms of the powers to your commissioners supposing a deputation from all the States, and having for their object the trade and commerce of the United States, your commissioners

did not conceive it advisable to proceed to the business of their mission under the circumstances of so partial and defective a representation.

Deeply impressed, however, with the magnitude and importance of the object confided to them on this occasion, your commissioners cannot forbear to indulge an expression of their earnest and unanimous wish that speedy measures may be taken to effect a general meeting of the States in a future convention for the same, and such other purposes as the situation of public affairs may be found to require.

If in expressing this wish, or intimating any further sentiment, your commissioners should seem to exceed the strict bounds of their appointment, they entertain a full confidence that a conduct dictated by an anxiety for the welfare of the United States will not fail to receive a favorable construction. In this persuasion, your commissioners submit an opinion that the idea of extending the powers of their deputies to other subjects than those of commerce, which had been adopted by the State of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future convention. They are the more naturally led to this conclusion, as, in the course of their reflections on the subject, they have been induced to think that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of

the Federal system. That there are important defects in the system of the Federal Government is acknowledged by the acts of all those States which have concurred in the present meeting; that the defects upon a closer examination may be found greater and more numerous than even these acts imply, is at least so far probable, from the embarrassments which characterize the present state of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion in some mode which will unite the sentiments and councils of all the States.

In the choice of the mode, your commissioners are of the opinion that a CONVENTION of deputies from the different States for the special and sole purpose of entering into this investigation, and digesting a plan of supplying such defects as may be discovered to exist, will be entitled to a preference, from considerations which will occur without being particularized. Your commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future convention with those enlarged powers is founded, as it would be an intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this instance be addressed.

They are, however, of a nature so serious as, in the view of your commissioners, to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all

the members of the Confederacy. Under this impression your commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may effectually tend to advance the interests of the Union, if the States by which they have been respectively delegated would concur themselves and use their endeavors to procure the concurrence of the other States in the appointment of commissioners to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal Government *adequate to the exigencies of the Union*, and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislature of every State, will effectually provide for the same.

Though your commissioners could not with propriety address these observations and sentiments to any but the States they have the honor to represent, they have nevertheless concluded, from motives of respect, to transmit copies of this report to the United States in Congress assembled, and to the Executives of the other States.

RESOLUTIONS OFFERED IN THE LEGISLATURE OF NEW YORK

RESOLUTIONS OFFERED IN THE LEGISLATURE OF NEW YORK

February 17, 1787.

Resolved, (if the Honorable the Senate concur,) That the delegates of this State in the Congress of the United States of America be, and they are hereby, instructed to move in Congress for an act recommending to the States composing the Union, that a convention of representatives from the said States respectively be held, and meet at a time and place to be mentioned in such recommendation, for the purpose of revising the Articles of Confederation and Perpetual Union between the United States of America, by such alterations and amendments as a majority of the representatives in such convention shall judge proper and necessary to render them adequate to the preservation and support of the Union.

February 26, 1787.

Resolved, (if the Honorable the Senate concur herein,) That five delegates be appointed on the part of this State to meet such delegates as may be appointed on the part of the other States respectively, on the second Monday of May next, at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress

and to the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the several States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union; and that, in case of such concurrence, the two Houses of the Legislature will meet on Thursday next, at such place as the Honorable the Senate shall think proper, for the purpose of electing the said delegates by joint ballot.

FEDERAL CONVENTION

FEDERAL CONVENTION

PROPOSITIONS FOR A CONSTITUTION OF GOVERNMENT [1]

I. The supreme legislative power of the United States of America to be vested in two distinct bodies of men: the one to be called the *Assembly*, the other the *Senate;* who together shall form the Legislature of the United States, with power to pass *all laws whatsoever*, subject to the *negative* hereafter mentioned.

II. The Assembly to consist of persons elected *by the people*, to serve for three years.

III. The Senate to consist of persons elected to serve during *good behavior*. Their election to be made by *electors* chosen for that purpose by the people. In order to this, the States to be divided into election districts. On the death, removal, or resignation of any Senator, his place to be filled out of the district from which he came.

[1] These propositions were introduced June 18th, and Hamilton in presenting them made his great speech upon the Constitution. The more elaborate plan which follows does not seem to have been formally introduced in the convention, but was handed to Madison, who made a copy of it. I have here given the plans first, and then all that we have recorded either by Madison or Yates of Hamilton's speeches or remarks on any subject before the convention, at any time during its sessions.

IV. The supreme executive authority of the United States to be vested in *a Governor*, to be elected to serve *during good behavior*. His election to be made by *electors* chosen by *electors* chosen by the people, in the election districts aforesaid; or by electors chosen for that purpose by the respective Legislatures—provided that if an election be not made within a limited time, the President of the Senate shall be the Governor. The Governor to have *a negative* upon all laws about to be passed—and (to have) the execution of all laws passed—to be the Commander-in-Chief of the land and naval forces and of the militia of the United States—to have the entire direction of war when authorized or begun—to have, with the *advice* and *approbation* of the Senate, the power of making all treaties—to have the appointment of the *heads* or *chief* officers of the departments of finance, war, and foreign affairs—to have the *nomination* of all other officers (ambassadors to foreign nations included), subject to the approbation or rejection of the Senate—to have the power of pardoning all offences but *treason*, which he shall not pardon without the approbation of the Senate.

V. On the death, resignation, or removal of the Governor, his authorities to be exercised by the President of the Senate (until a successor be appointed).

VI. The Senate to have the sole power of *declaring war*—the power of advising and approving all treaties—the power of approving or rejecting all appointments of officers, except the heads or chiefs

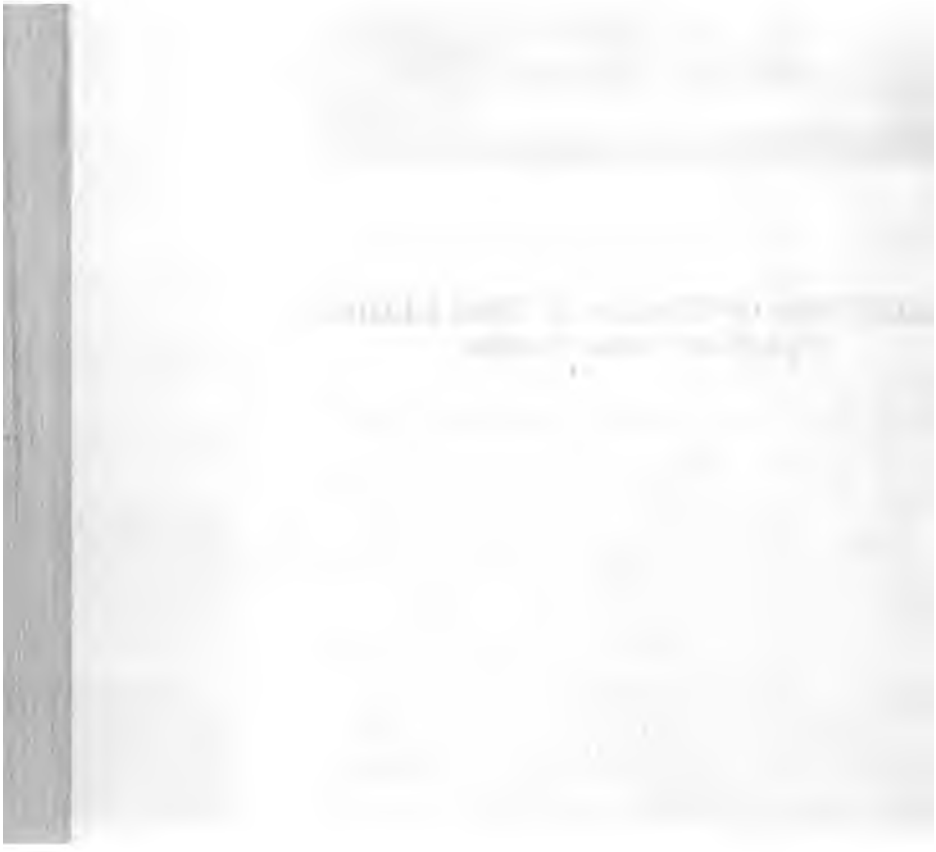
of the departments of finance, war, and foreign affairs.

VII. The supreme judicial authority of the United States to be vested in twelve judges, to hold their offices during good behavior, with adequate and permanent salaries. This court to have original jurisdiction in all causes of capture, and an appellate jurisdiction (from the courts of the several States) in all causes in which the revenues of the General Government or the citizens of foreign nations are concerned.

VIII. The Legislature of the United States to have power to institute courts in each State for the determination of all causes of capture and of all matters relating to their revenues, or in which the citizens of foreign nations are concerned.

IX. The Governor, Senators, and all officers of the United States to be liable to impeachment for mal and corrupt conduct, and upon conviction to be removed from office, and disqualified for holding any place of trust or profit. All impeachments to be tried by a court, to consist of the judges of the Supreme Court, chief or senior judge of the Superior Court of law of each State—provided that such judge hold his place during good behavior and have a permanent salary.

X. All laws of the particular States contrary to the Constitution or laws of the United States to be utterly void. And the better to prevent such laws being passed the Governor or President of each State shall *be appointed by the General Government*, and shall have a *negative* upon the laws about to be



RESOLUTIONS OFFERED IN THE LEGISLATURE OF NEW YORK

February 17, 1787.

Resolved, (if the Honorable the Senate concur,) That the delegates of this State in the Congress of the United States of America be, and they are hereby, instructed to move in Congress for an act recommending to the States composing the Union, that a convention of representatives from the said States respectively be held, and meet at a time and place to be mentioned in such recommendation, for the purpose of revising the Articles of Confederation and Perpetual Union between the United States of America, by such alterations and amendments as a majority of the representatives in such convention shall judge proper and necessary to render them adequate to the preservation and support of the Union.

February 26, 1787.

Resolved, (if the Honorable the Senate concur herein,) That five delegates be appointed on the part of this State to meet such delegates as may be appointed on the part of the other States respectively, on the second Monday of May next, at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress

and to the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the several States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union; and that, in case of such concurrence, the two Houses of the Legislature will meet on Thursday next, at such place as the Honorable the Senate shall think proper, for the purpose of electing the said delegates by joint ballot.

FEDERAL CONVENTION

FEDERAL CONVENTION

PROPOSITIONS FOR A CONSTITUTION OF GOVERNMENT [1]

I. The supreme legislative power of the United States of America to be vested in two distinct bodies of men: the one to be called the *Assembly*, the other the *Senate;* who together shall form the Legislature of the United States, with power to pass *all laws whatsoever*, subject to the *negative* hereafter mentioned.

II. The Assembly to consist of persons elected *by the people*, to serve for three years.

III. The Senate to consist of persons elected to serve during *good behavior*. Their election to be made by *electors* chosen for that purpose by the people. In order to this, the States to be divided into election districts. On the death, removal, or resignation of any Senator, his place to be filled out of the district from which he came.

[1] These propositions were introduced June 18th, and Hamilton in presenting them made his great speech upon the Constitution. The more elaborate plan which follows does not seem to have been formally introduced in the convention, but was handed to Madison, who made a copy of it. I have here given the plans first, and then all that we have recorded either by Madison or Yates of Hamilton's speeches or remarks on any subject before the convention, at any time during its sessions.

IV. The supreme executive authority of the United States to be vested in *a Governor*, to be elected to serve *during good behavior*. His election to be made by *electors* chosen by *electors* chosen by the people, in the election districts aforesaid; or by electors chosen for that purpose by the respective Legislatures—provided that if an election be not made within a limited time, the President of the Senate shall be the Governor. The Governor to have *a negative* upon all laws about to be passed—and (to have) the execution of all laws passed—to be the Commander-in-Chief of the land and naval forces and of the militia of the United States—to have the entire direction of war when authorized or begun—to have, with the *advice* and *approbation* of the Senate, the power of making all treaties—to have the appointment of the *heads* or *chief* officers of the departments of finance, war, and foreign affairs—to have the *nomination* of all other officers (ambassadors to foreign nations included), subject to the approbation or rejection of the Senate—to have the power of pardoning all offences but *treason*, which he shall not pardon without the approbation of the Senate.

V. On the death, resignation, or removal of the Governor, his authorities to be exercised by the President of the Senate (until a successor be appointed).

VI. The Senate to have the sole power of *declaring war*—the power of advising and approving all treaties—the power of approving or rejecting all appointments of officers, except the heads or chiefs

of the departments of finance, war, and foreign affairs.

VII. The supreme judicial authority of the United States to be vested in twelve judges, to hold their offices during good behavior, with adequate and permanent salaries. This court to have original jurisdiction in all causes of capture, and an appellate jurisdiction (from the courts of the several States) in all causes in which the revenues of the General Government or the citizens of foreign nations are concerned.

VIII. The Legislature of the United States to have power to institute courts in each State for the determination of all causes of capture and of all matters relating to their revenues, or in which the citizens of foreign nations are concerned.

IX. The Governor, Senators, and all officers of the United States to be liable to impeachment for mal and corrupt conduct, and upon conviction to be removed from office, and disqualified for holding any place of trust or profit. All impeachments to be tried by a court, to consist of the judges of the Supreme Court, chief or senior judge of the Superior Court of law of each State—provided that such judge hold his place during good behavior and have a permanent salary.

X. All laws of the particular States contrary to the Constitution or laws of the United States to be utterly void. And the better to prevent such laws being passed the Governor or President of each State shall *be appointed by the General Government*, and shall have a *negative* upon the laws about to be

passed in the State of which he is Governor or President.

XI. No State to have any forces, land or naval—and the *militia* of all the States to be under the sole and *exclusive direction* of the United States, *the officers* of which to be appointed and commissioned by them.

CONSTITUTION OF GOVERNMENT BY THE PEOPLE OF THE UNITED STATES OF AMERICA

First Draught of Hamilton, 1787

The people of the United States of America do ordain and establish this Constitution for the government of themselves and their posterity.

ARTICLE I

Sec. 1. The legislative power shall be vested in two distinct bodies of men, one to be called the Assembly, the other the Senate, subject to the negative hereinafter mentioned.

Sec. 2. The executive power, with the qualifications hereinafter specified, shall be vested in a President of the United States.

Sec. 3. The supreme judicial authority, except in the cases otherwise provided for in this Constitution, shall be vested in a court, to be called the SUPREME COURT, to consist of not less than six nor more than twelve judges.

ARTICLE II

Sec. 1. The Assembly shall consist of persons to be called Representatives, who shall be chosen, ex-

cept in the first instance, by the free male citizens and inhabitants of the several States comprehended in the Union, all of whom, of the age of twenty-one years and upwards, shall be entitled to an equal vote.

Sec. 2. But the first Assembly shall be chosen in the manner prescribed in the last Article, and shall consist of one hundred members, of whom New Hampshire shall have five, Massachusetts thirteen, Rhode Island two, Connecticut seven, New York nine, New Jersey six, Pennsylvania twelve, Delaware two, Maryland eight, Virginia sixteen, North Carolina eight, South Carolina eight, Georgia four.

Sec. 3. The Legislature shall provide for the future election of Representatives, apportioning them in each State, from time to time, as nearly as may be to the number of persons described in the 4th Section of the 7th Article, so as that the whole number of Representatives shall never be less than one hundred, nor more than hundred. There shall be a census taken for this purpose within three years after the first meeting of the Legislature, and within every successive period of ten years. The term for which Representatives shall be elected shall be determined by the Legislature, but shall not exceed three years. There shall be a general election at least once in three years, and the time of service of all the members in each Assembly shall begin (except in filling vacancies) on the same day, and shall always end on the same day.

Sec. 4. Forty members shall make a House sufficient to proceed to business; but this number may be increased by the Legislature, yet so as never

to exceed a majority of the whole number of Representatives.

Sec. 5. The Assembly shall choose its President and other officers, shall judge of the qualifications and elections of its own members, shall punish them for improper conduct in their capacity of Representatives, not extending to life or limb, and shall exclusively possess the power of impeachment, except in the case of the President of the United States; but no impeachment of a member of the Senate shall be by less than two thirds of the Representatives present.

Sec. 6. Representatives may vote by proxy, but no Representative present shall be proxy for more than one who is absent.

Sec. 7. Bills for raising revenue, and bills for appropriating monies for the support of fleets and armies, and for paying the salaries of the officers of government, shall originate in the Assembly, but may be altered and amended by the Senate.

Sec. 8. The acceptance of an office under the United States by a Representative, shall vacate his seat in the Assembly.

Article III

Sec. 1. The Senate shall consist of persons to be chosen, except in the first instance, by electors elected for that purpose by the citizens and inhabitants of the several States comprehended in the Union, who shall have in their own right, or in the right of their wives, an estate in land for not less than life, or a term of years, whereof at the time of giving

their votes there shall be at least fourteen years unexpired.

Sec. 2. But the full Senate shall be chosen in the manner prescribed in the last Article, and shall consist of forty members, to be called Senators, of whom New Hampshire shall have , Massachusetts , Rhode Island , Connecticut , New York , New Jersey , Pennsylvania , Delaware , Maryland , Virginia , North Carolina , South Carolina , Georgia .

Sec. 3. The Legislature shall provide for the future elections of Senators; for which purpose the States respectively, which have more than one Senator, shall be divided into convenient districts to which the Senators shall be apportioned. A State having but one Senator shall be itself a district. On the death, resignation, or removal from office of a Senator, his place shall be supplied by a new election in the district from which he came. Upon each election there shall not be less than six nor more than twelve electors chosen in a district.

Sec. 4. The number of Senators shall never be less than forty, nor shall any State, if the same shall not hereafter be divided, ever have less than the number allotted to it in the second Section of this Article; but the Legislature may increase the whole number of Senators, in the same proportion to the whole number of Representatives as forty is to one hundred, and such increase, beyond the present number, shall be apportioned to the respective States in a ratio to the respective numbers of their Representatives.

Sec. 5. If States shall be divided, or if a new arrangement of the boundaries of two or more States shall take place, the Legislature shall apportion the number of Senators (in elections succeeding such division or arrangement) to which the constituent parts were entitled according to the change of situation, having regard to the number of persons described in the 4th Section of the 7th Article.

Sec. 6. The Senators shall hold their places during good behavior, removable only by conviction, on impeachment for some crime or misdemeanor. They shall continue to exercise their offices when impeached until a conviction shall take place. Sixteen Senators, attending in person, shall be sufficient to make a house to transact business; but the Legislature may increase this number, yet so as never to exceed a majority of the whole number of Senators. The Senators may vote by proxy, but no Senator who is present shall be proxy for more than two who are absent.

Sec. 7. The Senate shall choose its President and other officers, shall judge of the qualifications and elections of its members, and shall punish them for improper conduct in their capacity of Senators; but such punishment shall not extend to life or limb, nor to expulsion. In the absence of their President they may choose a temporary President. The President shall only have a casting vote when the House is equally divided.

Sec. 8. The Senate shall exclusively have the power of declaring war. No treaty shall be made without their advice and consent; which shall also be

necessary to the appointment of all officers, except such for which a different provision is made in this Constitution.

Article IV

Sec. 1. The President of the United States of America (except in the first instance) shall be elected in the manner following:

The judges of the Supreme Court shall, within sixty days after a vacancy shall happen, cause public notice to be given in each State of such vacancy, appointing therein three several days for the several purposes following, to wit: a day for commencing the election of electors for the purposes hereinafter specified, to be called the first electors, which day shall be not less than forty nor more than sixty days after the day of the publication of the notice in each State; another day for the meeting of the electors, not less than forty nor more than ninety days from the day for commencing their election; another day for the meeting of electors, to be chosen by the first electors, for the purpose hereinafter specified, and to be called the second electors, which day shall be not less than forty nor more than sixty days after the day for the meeting of the first electors.

Sec. 2. After notice of a vacancy shall have been given, there shall be chosen in each State a number of persons, as the first electors in the preceding Section mentioned, equal to the whole number of the Representatives and Senators of such State in the Legislature of the United States; which electors shall be chosen by the citizens of such State having

an estate of inheritance or for three lives in land, or a clear personal estate of the value of one thousand Spanish milled dollars of the present standard.

Sec. 3. These first electors shall meet in their respective States at the time appointed, at one place, and shall proceed to vote by ballot for a President, who shall not be one of their own number, unless the Legislature, upon experiment, should hereafter direct otherwise. They shall cause two lists to be made of the name or names of the person or persons voted for, which they, or the major part of them, shall sign and certify. They shall then proceed each to nominate individually, openly, in the presence of the others, two persons, as for second electors; and out of the persons who shall have the four highest numbers of nominations, they shall afterwards, by ballot, by plurality of votes, choose two who shall be the second electors, to each of whom shall be delivered one of the lists before mentioned. These second electors shall not be any of the persons voted for as President. A copy of the same list, signed and certified in like manner, shall be transmitted by the first electors, to the seat of the government of the United States, under a sealed cover, directed to the President of the Assembly, which, after the meeting of the second electors shall be opened, for the inspection of the two Houses of the Legislature.

Sec. 4. These second electors shall meet precisely on the day appointed, and not on another day, at one place. The chief-justice of the Supreme Court, or if there be no chief-justice, the judge junior in office, in such court, or if there be no one judge junior

in office, some other judge of that court, by the choice of the rest of the judges, or of a majority of them, shall attend at the same place, and shall preside at the meeting, but shall have no vote. Two thirds of the whole number of the electors shall constitute a sufficient meeting for the execution of their trust. At this meeting, the list delivered to the respective electors shall be produced and inspected, and if there be any person who has a majority of the whole number of the votes given by the first electors, he shall be the President of the United States. But if there be no such person, the second electors so met shall proceed to vote by ballot for one of the *persons*, named in the lists, *who* shall have the three highest numbers of the votes of the first electors; and if upon the first or any succeeding ballot, on the day of the meeting, either of those persons shall have a number of votes equal to a majority of the whole number of second electors chosen, he shall be the President; but if no such choice be made on the day appointed for the meeting, either by reason of the non-attendance of the second electors, or their not agreeing, or any other matter, the person having the greatest number of votes of the first electors shall be the President.

Sec. 5. If it should happen that the chief-justice or some other judge of the Supreme Court should not attend in due time, the second electors shall proceed to the execution of their trust without him.

Sec. 6. If the judges should neglect to cause the notice required by the first Section of this Article to be given within the time therein limited, they may,

nevertheless, cause it to be afterwards given; but their neglect, if wilful, is hereby declared to be an offence, for which they may be impeached, and if convicted they shall be punished as in other cases of conviction on impeachment.

Sec. 7. The Legislature shall, by permanent laws, provide such further regulations as may be necessary for the more orderly election of the President, not contravening the provisions herein contained.

Sec. 8. The President, before he shall enter upon the execution of his office, shall take an oath or affirmation faithfully to execute the same, and to the utmost of his judgment and power to protect the rights of the people and preserve the Constitution inviolate. This oath or affirmation shall be administered by the President of the Senate, for the time being, in the presence of both Houses of the Legislature.

Sec. 9. The Senate and the Assembly shall always convene in session on the day appointed for the meeting of the second electors, and shall continue sitting till the President take the oath or affirmation of office. He shall hold his office during good behavior, removable only by conviction upon an impeachment for some crime or misdemeanor.

Sec. 10. The President, at the beginning of every meeting of the Legislature, as soon as they shall be ready to proceed to business, shall convene them together at the place where the Senate shall sit, and shall communicate to them all such matters as may be necessary for their information, or as may require their consideration. He may, by message,

during the session, communicate all other matters which may appear to him proper. He may, whenever in his opinion the public business shall require it, convene the Senate and Assembly, or either of them, and may prorogue them for a time, not exceeding forty days at one prorogation; and if they should disagree about their adjournment, he may adjourn them to such time as he shall think proper. He shall have a right to negative all bills, resolutions, or acts of the two Houses of the Legislature about to be passed into laws. He shall take care that the laws be faithfully executed. He shall be the Commander-in-Chief of the army and navy of the United States and of the militia within the several States, and shall have the direction of war, when commenced; but he shall not take the actual command in the field of an army without the consent of the Senate and Assembly. All treaties, conventions, and agreements with foreign nations shall be made by him, by and with the advice and consent of the Senate. He shall have the appointment of the principal or chief officer of each of the departments of war, naval affairs, finances, and foreign affairs; and shall have the nomination, and, by and with the consent of the Senate, the appointment of all other officers to be appointed under the authority of the United States, except such for whom different provision is made by this Constitution; and provided, that this shall not be construed to prevent the Legislature from appointing, by name, in their laws, persons to special and particular trusts created in such laws; nor shall be construed to prevent principals

in office, merely ministerial, from constituting deputies. In the recess of the Senate he may fill vacancies in offices, by appointments, to continue in force until the end of the next session of the Senate; and he shall commission all officers. He shall have power to pardon all offences except treason, for which he may grant reprieves until the opinion of the Senate and Assembly can be had, and with their concurrence may pardon the same.

Sec. 11. He shall receive a fixed compensation for his services, to be paid to him at stated times, and not to be increased or diminished during his continuance in office.

Sec. 12. If he depart out of the United States without the consent of the Senate and Assembly, he shall thereby abdicate his office.

Sec. 13. He may be impeached for any crime or misdemeanor by the two Houses of the Legislature, two thirds of each House concurring; and if convicted, shall be removed from office. He may be afterward tried and punished in the ordinary course of law. His impeachment shall operate as a suspension from office until the determination thereof.

Sec. 14. The President of the Senate shall be Vice-President of the United States. On the death, resignation, impeachment, removal from office, or absence from the United States of the President thereof, the Vice-President shall exercise all the powers by this Constitution vested in the President, until another shall be appointed, or until he shall return within the United States, if his absence was with the consent of the Senate and Assembly.

ARTICLE V

Sec. 1. There shall be a chief-justice of the Supreme Court, and he with the other judges thereof, shall hold their offices during good behavior, removable only by conviction on impeachment for some crime or misdemeanor. Each judge shall have a competent salary, to be paid to him at stated times, and not to be diminished during his continuance in office.

The Supreme Court shall have original jurisdiction in all causes in which the United States shall be a party; in all controversies between the United States and a particular State, or between two or more States, except such as relate to a claim of territory between the United States and one or more States, which shall be determined in the mode prescribed in the 6th Article; in all cases affecting foreign ministers, consuls, and agents; and an appellate jurisdiction, both as to law and fact, in all cases which shall concern the citizens of foreign nations, in all questions between the citizens of different States, and in all others in which the fundamental rights of this Constitution are involved, subject to such exceptions as are herein contained, and to such regulations as the Legislature shall provide.

The judges of all courts which may be constituted by the Legislature shall also hold their places during good behavior, removable only by conviction on impeachment for some crime or misdemeanor; and shall have competent salaries, to be paid at stated times, and not to be diminished during their continuance in office; but nothing herein contained

shall be construed to prevent the Legislature from abolishing such courts themselves.

All crimes, except upon impeachment, shall be tried by a jury of twelve men; and if they shall have been committed within any State, shall be tried within such State. And all civil causes arising under this Constitution of the like kind with those which have been heretofore triable by jury in the respective States, shall in like manner be tried by jury, unless in special cases the Legislature shall think proper to make different provision, to which provision the concurrence of two thirds of both Houses shall be necessary.

Impeachments of the President and Vice-President of the United States, members of the Senate, the Governors and Presidents of the several States, the principal or chief officers of the departments enumerated in the 10th Section of the 4th Article, ambassadors, and other like public ministers, the judges of the Supreme Court, generals and admirals of the navy, shall be tried by a court to consist of the judges of the Supreme Court, and the chief-justice, or first or senior judge of the Superior Court of law in each State, of whom twelve shall constitute a court. A majority of the judges present may convict. All other persons shall be tried on impeachment, by a court to consist of the judges of the Supreme Court, and six Senators drawn by lot; a majority of whom may convict. Impeachments shall clearly specify the particular offence for which the party accused is to be tried; and judgment on conviction upon the trial thereof shall be either a re-

moval from office singly, or removal from office and disqualification for holding any future office or place of trust. But no judgment on impeachment shall prevent prosecution and punishment in the ordinary course of law, provided that no judge concerned in such conviction shall sit as judge on the second trial. The Legislature may remove the disabilities incurred by conviction on impeachment.

Article VI

Controversies about the right of territory between the United States and particular States shall be determined by a court to be constituted in manner following: The State or States claiming in opposition to the United States, as parties, shall nominate a number of persons equal to double the number of the judges of the Supreme Court, for the time being, of whom none shall be citizens by birth of the States which are parties, nor inhabitants thereof, when nominated, and of whom not more than two shall have their actual residence in one State. Out of the persons so nominated the Senate shall elect one half, who, together with the judges of the Supreme Court, shall form the court. Two thirds of the whole number may hear and determine the controversy by plurality of voices. The States concerned may, at their option, claim a decision by the Supreme Court only. All the members of the court hereby instituted shall, prior to the hearing of the cause, take an oath impartially, and according to the best of their judgments and consciences, to hear and determine the controversy.

ARTICLE VII

Sec. 1. The Legislature of the United States shall have power to pass all laws which they shall judge necessary to the common defence and safety, and to the general welfare of the Union. But no bill, resolution, or act of the Senate and Assembly shall have the force of a law until it shall have received the assent of the President, or of the Vice-President when exercising the powers of the President; and if such assent shall not have been given within ten days after such bill, resolution, or other act shall have been presented for that purpose, the same shall not be a law. No bill, resolution, or other act not assented to shall be revived in the same session of the Legislature. The mode of signifying such assent shall be by signing the bill, act or resolution, and returning it so signed to either house of the Legislature.

Sec. 2. The enacting style of all laws shall be: "Be it enacted by the people of the United States of America."

Sec. 3. No bill of attainder shall be passed, nor any *ex-post-facto* law; nor shall any title of nobility be granted by the United States, or by either of them; nor shall any person holding an office or place of trust under the United States, without the permission of the Legislature, accept any present, emolument, office, or title from a foreign prince or state. Nor shall any religious sect or denomination, or religious test for any office or place, be ever established by law.

Sec. 4. Taxes on lands, houses, and other real estate, and capitation taxes, shall be proportioned in

each State by the whole number of free persons, except Indians not taxed, and by three fifths of all other persons.

Sec. 5. The two Houses of the Legislature may by joint ballot appoint a Treasurer of the United States. Neither House (in the session of both Houses) without the consent of the other shall adjourn for more than three days at a time. The Senators and Representatives in attending, going to and coming from the session of their respective Houses shall be privileged from arrest except for crimes and breaches of the peace. The place of meeting shall always be at the seat of government, which shall be fixed by law.

Sec. 6. The laws of the United States and the treaties which have been made under the articles of the Confederation, and which shall be made under this Constitution, shall be the supreme law of the land, and shall be so construed by the courts of the several States.

Sec. 7. The Legislature shall convene at least once in each year, which, unless otherwise provided for by law, shall be the first Monday in December.

Sec. 8. The members of the two Houses of the Legislature shall receive a reasonable compensation for their services, to be paid out of the treasury of the United States, and ascertained by law. The law for making such provision shall be passed, with the concurrence of the first Assembly, and shall extend to succeeding Assemblies; and no succeeding Assembly shall concur in an alteration of such provision so as to increase its own compensation; but

there shall be always a law in existence for making such provision.

Article VIII

Sec. 1. The Governor or President of each State shall be appointed under the authority of the United States, and shall have a right to negative all laws about to be passed in the State of which he shall be Governor or President, subject to such qualifications and regulations as the Legislature of the United States shall prescribe. He shall in other respects have the same powers only which the Constitution of the State does or shall allow its Governor or President, except as to the appointment of officers of the militia.

Sec. 2. Each Governor or President of a State shall hold his office until a successor be actually appointed, unless he die or resign or be removed from office by conviction on impeachment. There shall be no appointment of such Governor or President in the recess of the Senate.

The Governors and Presidents of the several States at the time of the ratification of this Constitution, shall continue in office in the same manner and with the same powers as if they had been appointed pursuant to the first Section of this Article.

The officers of the militia in the several States may be appointed under the authority of the United States, the Legislature whereof may authorize the Governors or Presidents of States to make such appointments, with such restrictions as they shall think proper.

Article IX

Sec. 1. No person shall be eligible to the office of President of the United States unless he be now a citizen of one of the States, or hereafter be born a citizen of the United States.

Sec. 2. No person shall be eligible as a Senator or Representative unless at the time of his election he be a citizen and inhabitant of the State in which he is chosen; provided that he shall not be deemed to be disqualified by a temporary absence from the State.

Sec. 3. No person entitled by this Constitution to elect or to be elected President of the United States, or a Senator or Representative in the Legislature thereof, shall be disqualified but by the conviction of some offence for which the law shall have previously ordained the punishment of disqualification. But the Legislature may by law provide that persons holding offices under the United States, or either of them, shall not be eligible to a place in the Assembly or Senate, and shall be, during their continuance in office, suspended from sitting in the Senate.

Sec. 4. No person having an office or place of trust under the United States shall, without permission of the Legislature, accept any present, emolument, office, or title from any foreign prince or State.

Sec. 5. The citizens of each State shall be entitled to the rights, privileges, and immunities of citizens in every other State; and full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of another.

Sec. 6. Fugitives from justice from one State who

shall be found in another, shall be delivered up on the application of the State from which they fled.

Sec. 7. No new State shall be erected within the limits of another, or by the junction of two or more, without the concurrent consent of the Legislatures of the United States and of the States concerned. The Legislature of the United States may admit new States into the Union.

Sec. 8. The United States are hereby declared to be bound to guarantee to each State a republican form of government, and to protect each State as well against domestic violence as foreign invasion.

Sec. 9. All treaties, contracts, and engagements of the United States of America, under the Articles of Confederation and Perpetual Union, shall have equal validity under this Constitution.

Sec. 10. No State shall enter into a treaty, alliance, or contract with another, or with a foreign power, without the consent of the United States.

Sec. 11. The members of the Legislature of the United States, and of each State, and all officers, executive and judicial, of the one and of the other, shall take an oath or affirmation to support the Constitution of the United States.

Sec. 12. This Constitution may receive such alterations and amendments as may be proposed by the Legislature of the United States, with the concurrence of two thirds of the members of both Houses and ratified by the Legislatures of, or by conventions of deputies chosen by the people in, two thirds of the States composing the Union.[1]

[1] This plan and the propositions which precede it are very interesting

[Article X., which relates to the mode of submitting the Constitution, is omitted as totally unimportant.]

to students of the Constitution, both in their resemblance to the instrument as finally adopted and in their differences from it. Many of the clauses of the existing Constitution would seem to have been taken exactly from Hamilton's draft. The differences, however, are more important and more instructive, for they serve to display Hamilton's views of government and the principles on which he desired to work. His plan provides for a Senate chosen by electors, chosen in turn by voters with a property qualification, to hold for life or good behavior. To this body are confided the confirmation of appointments, the ratification of treaties as at present, and the sole power of declaring war in addition. The President also is to hold during good behavior, with a power of absolute veto, and chosen by a double set of electors, chosen in turn by voters with a property qualification. The popular branch is to be chosen by universal, free, manhood suffrage, and is to hold the great power of originating all money bills as at present. This arrangement gave great strength to the Executive, and put a powerful check upon the popular branch of the Legislature.

It is in dealing with the States, however, that Hamilton's strong national and centralizing feelings come out most vividly. His plan provided that all governors of States should be appointed by the President, to hold during good behavior, and that they should have an absolute veto on all laws passed by the State Legislatures, and that all officers of the State militia should hold commissions from the United States. This arrangement would have crushed the States, but Hamilton was too strongly national and centralizing in his views to trouble himself on that score. He believed from his past experience that the peril to the future of the country lay in the powers and rights of States. From that quarter the danger and the subsequent civil war certainly came, but whether Hamilton's plan, if it had been adopted in 1787, would not have led to earlier and greater evils among a people wholly unprepared for a strong central government, is, to say the least, highly problematic. It is worth remembering, however, that Madison at this period believed most thoroughly that the central government should possess an absolute veto on all State laws.—(*Writings of Madison*, i., 285, 288, 347, and 355.) He thought this power absolutely essential for the new government, and he also believed in the principle of a property qualification for the electors of the upper branch of the Legislature (*Ibid.*, 187).

We cannot suppose that Hamilton believed for a moment that his plan as it stood, especially with its radical measures in regard to the

BRIEF OF SPEECH ON SUBMITTING HIS PLAN OF CONSTITUTION [1]

Introduction

I. Importance of the occasion.
II. A solid *plan*, without regard to temporary *opinions*.
III. If an ineffectual plan be again proposed, it will beget despair, and no government will grow out of CONSENT.
IV. There seem to be but three lines of conduct:
  I. A league offensive, treaty of commerce, and apportionment of the public debt.
  II. An amendment of the present Confederation, by adding such powers as the public mind seems nearest being matured to grant.
III. The forming a new government to pervade the whole, with decisive powers; in short, with complete sovereignty.

States, had the least chance of success. He introduced it as an antidote to the loose, inefficient scheme known as the New Jersey plan, and also, undoubtedly, to strengthen and invigorate the tone of the convention. He followed it up with a speech of remarkable ability, occupying five hours in delivery, which arrested the attention of the convention and had a marked effect upon its action. The plan and the speech certainly had the effect most desired by their author. They served to kill off the New Jersey plan and led to the adoption of more energetic principles. Soon after his speech Hamilton left the convention. He was perfectly helpless there, as his two colleagues, Yates and Lansing, always cast the vote of New York against his views, and he did not return until the close of the proceedings, when he signed his name to the Constitution as adopted. The meagre record of his speeches which follows is drawn from the reports made by Yates and Madison, and in each instance the source is indicated. Even these fragments have never been brought together before, and they serve to throw a great deal of light upon Madison's views upon government and upon the formation of the Constitution.

[1] This brief comes from the Hamilton papers, and taken in conjunction with the minutes of Madison and Yates, which follow, gives us the best idea we can now obtain of this memorable speech. The two versions of Yates and Hamilton well deserve study.

Last seems to be the prevailing sentiment.

I. Its practicability to be examined.

Immense extent unfavorable to representation.

Vast expense.

Double sets of officers.

Difficulty of judging of local circumstances.

Distance has a physical effect on men's minds.

Difficulty of drawing proper characters from home.

Execution of laws, feeble at a distance from government—particularly in the collection of revenue.

Sentiment of obedience— } opinion. }

I. Objections to the present Confederation.

Intrusts the great interests of the nation to hands incapable of managing them.

All matters in which foreigners are concerned.

The care of the public peace—debts.

Power of treaty, without power of execution.

Common defence, without power to raise troops—have a fleet—raise money.

Power to contract debts, without the power to pay.

These great interests of the State must be well managed, or the public prosperity must be the victim.

Legislates upon communities.

Where the Legislatures are to act, they will deliberate.

To ask money, not to collect it, and by an unjust measure.

No sanction! !

Amendment of Confederation according to present ideas.

1. Difficult, because not agreed upon any thing. Ex. —*Impost.*

Commerce—different *theories.*

To ascertain the practicability of this, let us examine the principles of civil obedience.

Supports of Government

I. Interest to support it.
II. Opinion of utility and necessity.
III. Habitual sense of obligation.
IV. Force.
V. Influence.

I. Interest—particular and general interests.
   Esprit de corps.
   Vox populi, *vox* Dei.
II. Opinion of utility and necessity.
   First will decrease with the growth of the *States*.
   Necessity.
   This does not apply to Federal Government.
   This may dissolve, and yet the order of the community continue.
   Anarchy not a necessary consequence.
III. HABITUAL sense of obligation.
   This results from administration of private justice.
   Demand of service or money odious.
IV. FORCE—of two kinds.
   COERCION of laws—COERCION of arms.
   First does *not exist*—and the last *useless*.
   Attempt to use it, a war between the States.
   Foreign aid.
   Delinquency not confined to one.
V. INFLUENCE—
   1. From municipal jurisdiction.
   2. Appointment of officers.
   3. Military jurisdiction.
   4. Fiscal jurisdiction.
      All these now reside in (*the*) particular States.

Their governments are the chief sources of honor and emolument.

AMBITION—AVARICE.

To effect any thing, passions must be turned toward the General Government.

Present Confederation cannot be amended, unless the most important powers be given to Congress, constituted as they are.

This would be liable to all (*the*) objections against any form of general government, with the addition of the want of *checks*.

Perpetual effort in each member.

Influence of individuals in office to excite jealousy and clamor—State leaders.

Experience corresponds.

Grecian republics.

Demosthenes says—Athens seventy-three years—Lacedæmon twenty-seven—Thebans after battle of Leuctra.

Phocians—consecrated ground—Philip, etc.

Germanic empire.

Charlemagne and his successors.

Diet—recesses.

ELECTORS now seven, excluding others.

Swiss cantons.

Two diets.

Opposite alliances.

Berne—Lucerne.

To strengthen the Federal Government, powers too great must be given to a single hand.

League offensive and defensive, etc.

Particular governments must exert themselves, etc.

But liable to usual vicissi(*tudes*.)

Internal peace affected.

Proximity of situation—natural enemies.

Partial confederacies from unequal extent.

Power inspires ambition.

Weakness begets jealousy.

Western territory.

Objn.—GENIUS of republics pacific.

Answer. Jealousy of commerce as well as jealousy of power begets war.

Sparta—Athens—Thebes—Rome—Carthage—Venice—Hanseatic League.

England as many popular as royal wars.

Lewis the XIV.—*Austria*—Bourbons—William and Anne.

Wars depend upon trifling circumstances.

Where—Duchess of Marlborough's glove.

Foreign conquest.

Dismemberment—Poland.

Foreign influence.

Distractions set afloat vicious humors.

Standing armies by dissensions.

Domestic factions—Montesquieu.

Monarchy in Southern States.

☞ Federal rights—*Fisheries.*

Wars—destructive.

Loss of advantages.

Foreign nations would not respect our rights nor grant us reciprocity.

Would reduce us to a passive commerce.

Fisheries—navigation of the lakes—Mississippi—Fleet.

The General Government must, in this case, not only have a strong soul, but *strong organs* by which that soul is to operate.

Here I shall give my sentiments of the best form of government—not as a thing attainable by us, but as a model which we ought to approach as near as possible.

British constitution best form.

Aristotle—Cicero—Montesquieu—Neckar.

Society naturally divides itself into two political divisions — the *few* and the *many*, who have distinct interests.

If government in the hands of the *few*, they will tyrannize over the many.

If (*in*) the hands of the many, they will tyrannize over the few. It ought to be in the hands of both; and they should be separated.

This separation must be permanent.

Representation alone will not do.

Demagogues will generally prevail.

And if separated, they will need a mutual check.

This check is a monarch.

Each principle ought to exist in full force, or it will not answer its end.

The democracy must be derived immediately from the people.

The aristocracy ought to be entirely separated; their power should be permanent, and they should have the *caritas liberorum*.

They should be so circumstanced that they can have no interest in a change—as to have an effectual weight in the Constitution.

Their duration should be the earnest of wisdom and stability.

'T is essential there should be a permanent will in a community.

Vox populi, vox Dei.

Source of government—the unreasonableness of the people—separate interests—debtors and creditors, etc.

There ought to be a principle in government capable of resisting the popular current.

No periodical duration will come up to this.

This will always imply hopes and fears.

Creature and Creator.

Popular assemblies governed by a few individuals.

These individuals, seeing their dissolution approach, will sacrifice.

The principle of representation will influence.

The most popular branch will acquire an influence over the other.

The other may check in ordinary cases, in which there is no strong public passion; but it will not in cases where there is—the cases in which such a principle is most necessary.

☞ Suppose duration seven years, and rotation.

One seventh will have only one year to serve.
One seventh ———— two years.
One seventh ———— three years.
One seventh ———— four years.

A majority will look to a dissolution in four years by instalments.

The monarch must have proportional strength. He ought to be hereditary, and to have so much power, that it will not be his interest to risk much to acquire more.

The advantage of a monarch is this—he is above corruption—he must always intend, in respect to foreign nations, the true interest and glory of the people.

Republics liable to foreign corruption and intrigue—Holland—Athens.

Effect of the British government.

A vigorous execution of the laws, and a vigorous defence of the people, will result.

Better chance for a good administration.

It is said a republican government does not admit a vigorous execution.

It is therefore bad; for the goodness of a government consists in a vigorous execution.

The principle chiefly intended to be established is this—that there must be a permanent *will.*

Gentlemen say we need to be rescued from the democracy. But what the means proposed?

A democratic Assembly is to be checked by a democratic Senate, and both these by a democratic chief magistrate.

The end will not be answered—the means will not be equal to the object.

It will, therefore, be feeble and inefficient.

Recapitulation

I. Impossible to secure the union by any modification of Federal Government.

II. League, offensive and defensive, full of certain evils and greater dangers.

III. General Government, very difficult, if not impracticable, liable to various objections.

What is to be done?

Answer. Balance inconveniences and dangers, and choose that which seems to have the fewest objections.

Expense admits of this answer. The expense of the State governments will be proportionably diminished.

Interference of officers not so great, because the objects of the General Government and the particular ones will not be the same—Finance—Administration of private justice. Energy will not be wanting in essential points, because the administration of private justice will be carried home to men's doors by the particular governments.

And the revenues may be collected from imposts, excises, etc. If necessary to go further, the General Government may make use of the particular governments.

The attendance of members near the seat of government may be had in the lower branch.

And the upper branch may be so constructed as to induce the attendance of members from any part.

But this proves that the government must be so constituted as to offer strong motives.

In short, to interest all the *passions* of individuals.

And turn them into that channel.

SPEECHES IN THE FEDERAL CONVENTION

SPEECHES IN THE FEDERAL CONVENTION

MONDAY, June 18, 1787.

MR. HAMILTON said that he had been hitherto silent on the business before the convention, partly from respect to others whose superior abilities, age, and experience rendered him unwilling to bring forward ideas dissimilar to theirs; and partly from his delicate situation with respect to his own State, to whose sentiments, as expressed by his colleagues, he could by no means accede. The crisis, however, which now marked our affairs, was too serious to permit any scruples whatever to prevail over the duty imposed on every man to contribute his efforts for the public safety and happiness. He was obliged, therefore, to declare himself unfriendly to both plans. He was particularly opposed to that from New Jersey, being fully convinced that no amendment of the Confederation, leaving the States in possession of their sovereignty, could possibly answer the purpose. On the other hand, he confessed he was much discouraged by the amazing extent of country in expecting the desired blessings from any general sovereignty that could be substituted. As to the powers of the convention, he thought the doubts started on that subject had arisen from distinctions

and reasons too subtle. A Federal Government he conceived to mean an association of independent communities into one. Different confederacies have different powers, and exercise them in different ways. In some instances the powers are exercised over collective bodies, in others over individuals, as in the German Diet; and among ourselves, in cases of piracy. Great latitude, therefore, must be given to the signification of the term. The plan last proposed departs, itself, from the Federal idea, as understood by some, since it is to operate eventually on individuals. He agreed, moreover, with the honorable gentleman from Virginia (Mr. Randolph), that we owed it to our country to do, on this emergency, whatever we should deem essential to its happiness. The States sent us here to provide for the exigencies of the Union. To rely on and propose any plan not adequate to these exigencies, merely because it was not clearly within our powers, would be to sacrifice the means to the end. It may be said that the States cannot ratify a plan not within the purview of the Article of Confederation providing for alterations and amendments. But may not the States themselves, in which no constitutional authority equal to this purpose exists in the Legislatures, have had in view a reference to the people at large? In the Senate of New York a proviso was moved that no act of the convention should be binding until it should be referred to the people and ratified; and the motion was lost by a single voice only, the reason assigned against it being that it might possibly be found an inconvenient shackle.

The great question is: What provision shall we make for the happiness of our country? He would first make a comparative examination of the two plans—prove that there were essential defects in both—and point out such changes as might render a national one efficacious. The great and essential principles necessary for the support of government are:

1. An active and constant interest in supporting it. This principle does not exist in the States, in favor of the Federal Government. They have evidently in a high degree the *esprit de corps*. They constantly pursue internal interests adverse to those of the whole. They have their particular debts, their particular plans of finance, etc. All these, when opposed to, invariably prevail over, the requisitions and plans of Congress.

2. The love of power. Men love power. The same remarks are applicable to this principle. The States have constantly shown a disposition rather to regain the powers delegated by them, than to part with more, or to give effect to what they had parted with. The ambition of their demagogues is known to hate the control of the General Government. It may be remarked, too, that the citizens have not that anxiety to prevent a dissolution of the General Government, as of the particular governments. A dissolution of the latter would be fatal; of the former, would still leave the purposes of government attainable to a considerable degree. Consider what such a State as Virginia will be in a few years, a few compared with the life of nations. How strongly will it feel its importance and self-sufficiency!

3. An habitual attachment of the people. The whole force of this tie is on the side of the State government. Its sovereignty is immediately before the eyes of the people; its protection is immediately enjoyed by them. From its hand distributive justice, and all those acts which familiarize and endear a government to a people, are dispensed to them.

4. Force, by which may be understood a coercion of laws or coercion of arms. Congress have not the former, except in few cases. In particular States, this coercion is nearly sufficient; though he held it, in most cases, not entirely so. A certain portion of military force is absolutely necessary in large communities.

Massachusetts is now feeling this necessity, and making provision for it. But how can this force be exerted on the States collectively? It is impossible. It amounts to a war between the parties. Foreign powers also will not be idle spectators. They will interpose; the confusion will increase; and a dissolution of the Union will ensue.

5. Influence,—he did not mean corruption, but a dispensation of those regular honors and emoluments which produce an attachment to the government. Almost all the weight of these is on the side of the States, and must continue so as long as the States continue to exist. All the passions, then, we see, of avarice, ambition, interest, which govern most individuals and all public bodies, fall into the current of the States, and do not flow into the stream of the General Government. The former, therefore, will

rally be an overmatch for the General Gov-
nent, and render any confederacy in its very
re precarious. Theory is in this case fully
irmed by experience. The Amphictyonic Coun-
ıad, it would seem, ample powers for general
oses. It had, in particular, the power of fining
using force against delinquent members. What
the consequence? Their decrees were mere sig-
of war. The Phocian war is a striking example
t. Philip at length, taking advantage of their
nion, and insinuating himself into their councils,
le himself master of their fortunes. The German
ederacy affords another lesson. The authority
harlemagne seemed to be as great as could be
ssary. The great feudal chiefs, however, exer-
ıg their local sovereignties, soon felt the spirit,
found the means, of encroachments which re-
d the imperial authority to a nominal sover-
ty. The Diet has succeeded, which, though
d by a prince at its head, of great authority in-
ndently of his imperial attributes, is a striking
tration of the weakness of confederated govern-
ts. Other examples instruct us in the same
h. The Swiss Cantons have scarce any union
ll, and have been more than once at war with one
her. How then are all these evils to be avoided?
y by such a complete sovereignty in the General
ernment as will turn all the strong principles
passions above-mentioned on its side. Does the
me of New Jersey produce this effect? Does it
rd any substantial remedy whatever? On the
rary it labors under great defects, and the defect

of some of its provisions will destroy the efficacy of others. It gives a direct revenue to Congress, but this will not be sufficient. The balance can only be supplied by requisitions; which experience proves cannot be relied on. If States are to deliberate on the mode, they will also deliberate on the object, of the supplies; and will grant or not grant as they approve or disapprove of it. The delinquency of one will invite and countenance it in others. Quotas, too, must, in the nature of things, be so unequal, as to produce the same evil. To what standard will you resort? Land is a fallacious one. Compare Holland with Russia; France, or England, with other countries of Europe; Pennsylvania with North Carolina, —will the relative pecuniary abilities, in those instances, correspond with the relative value of land? Take numbers of inhabitants for the rule, and make like comparison of different countries, and you will find it to be equally unjust. The different degrees of industry and improvement in different countries render the first object a precarious measure of wealth. Much depends, too, on situation. Connecticut, New Jersey, and North Carolina, not being commercial States, and contributing to the wealth of the commercial ones, can never bear quotas assessed by the ordinary rules of proportion. They will, and must, fail in their duty. Their example will be followed,—and the Union itself be dissolved. Whence then, is the national revenue to be drawn? From commerce; even from exports, which, notwithstanding the common opinion, are fit objects of moderate taxation; from excise, etc., etc. These,

though not equal, are less unequal than quotas. Another destructive ingredient in the plan is that equality of suffrage which is so much desired by the small States. It is not in human nature that Virginia and the large States should consent to it; or, if they did, that they should long abide by it. It shocks too much all ideas of justice, and every human feeling. Bad principles in a government, though slow, are sure in their operation, and will gradually destroy it. A doubt has been raised whether Congress at present have a right to keep ships or troops in time of peace. I lean to the negative.

Mr. Patterson's plan provides no remedy. If the powers proposed were adequate, the organization of Congress is such that they could never be properly and effectually exercised. The members of Congress being chosen by the States, and subject to recall, represent all the local prejudices. Should the powers be found effectual, they will from time to time be heaped on them, till a tyrannic sway shall be established. The general power, whatever be its form, if it preserves itself, must swallow up the State powers. Otherwise, it will be swallowed up by them. It is against all the principles of a good government, to vest the requisite powers in such a body as Congress. Two sovereignties cannot coexist within the same limits. Giving powers to Congress must eventuate in a bad government or in no government. The plan of New Jersey, therefore, will not do. What, then, is to be done? Here I am embarrassed. The extent of the country to be governed

discourages me. The expense of a General Government was also formidable; unless there was such a diminution of expense on the side of the State Governments as the case would admit. If they were extinguished, I am persuaded that great economy might be obtained by substituting a General Government.

I do not mean, however, to shock the public opinion by proposing such a measure. On the other hand, I see no other necessity for declining it. They are not necessary for any of the great purposes of commerce, revenue, or agriculture. Subordinate authorities, I am aware, would be necessary. There must be district tribunals; corporations for local purposes. But *cui bono* the vast and expensive apparatus now appertaining to the States? The only difficulty of a serious nature which occurs to me is that of drawing Representatives from the extremes to the centre of the community. What inducements can be offered that will suffice? The moderate wages for the first branch could only be a bait to little demagogues. Three dollars or thereabouts, I suppose, would be the utmost. The Senate, I fear, from a similar cause, would be filled by certain undertakers who wish for particular offices under the government. This view of the subject almost leads me to despair that a republican government could be established over so great an extent. I am sensible, at the same time, that it would be unwise to propose one of any other form. In my private opinion, I have no scruple in declaring, supported as I am by the opinion of so many of the wise and good, that

the British government is the best in the world; and that I doubt much whether anything short of it will do in America. I hope gentlemen of different opinions will bear with me in this, and beg them to recollect the change of opinion on this subject which has taken place, and is still going on. It was once thought that the power of Congress was amply sufficient to secure the end of their institution. The error was now seen by every one. The members most tenacious of republicanism are as loud as any in declaiming against the vices of democracy. This progress of the public mind leads me to anticipate the time when others as well as myself will join in the praise bestowed by Mr. Neckar on the British constitution, namely, that "it is the only government in the world which unites public strength with individual security."

In every community where industry is encouraged, there will be a division of it into the few and the many. Hence, separate interests will arise. There will be debtors and creditors, etc. Give all power to the many, they will oppress the few. Give all power to the few, they will oppress the many. Both, therefore, ought to have the power, that each may defend itself against the other. To the want of this check we owe our paper-money instalment laws, etc. To the proper adjustment of it the British owe the excellence of their constitution. Their House of Lords is a most noble institution. Having nothing to hope for by a change, and a sufficient interest, by means of their property, in being faithful to the national interest, they form a permanent barrier

against every pernicious innovation whether attempted on the part of the Crown or of the Commons. No temporary Senate will have firmness enough to answer the purpose. The Senate of Maryland, which seems to be so much appealed to, has not yet been sufficiently tried. Had the people been unanimous and eager in the late appeal to them on the subject of a paper emission, they would have yielded to the torrent. Their acquiescing in such an appeal is a proof of it. Gentlemen differ in their opinions concerning the necessary checks, from the different estimates they form of the human passions. They suppose seven years a sufficient period to give the Senate an adequate firmness, from not duly considering the amazing violence and turbulence of the democratic spirit. When a great object of government is pursued which seizes the popular passions, they spread like wildfire and become irresistible. I appeal to the gentlemen from the New England States whether experience has not there verified the remark. As to the Executive, it seemed to be admitted that no good one could be established on republican principles. Was not this giving up the merits of the question; for can there be a good government without a good Executive? The English model was the only good one on this subject. The hereditary interest of the king was so interwoven with that of the nation, and his personal emolument so great, that he was placed above the danger of being corrupted from abroad, and, at the same time, was both sufficiently independent and sufficiently controlled to answer the purpose of the institution

at home. One of the weak sides of republics was their being liable to foreign influence and corruption. Men of little character, acquiring great power, become easily the tools of intermeddling neighbors. Sweden was a striking instance. The French and English had each their parties during the late revolution, which was effected by the predominant influence of the former. What is the inference from all these observations? That we ought to go as far, in order to attain stability and permanency, as republican principles will admit. Let one branch of Legislature hold their places for life, or, at least, during good behavior. Let the Executive, also, be for life. I appeal to the feelings of the members present whether a term of seven years would induce the sacrifice of private affairs, which an acceptance of public trust would require, so as to ensure the services of the best citizens. On this plan we should have in the Senate a permanent will, a weighty interest, which would answer essential purposes. But is this a republican government? it will be asked. Yes, if all the magistrates are appointed and vacancies are filled by the people, or by a process of election originating with the people. I am sensible that an Executive, constituted as I propose, would have, in fact, but little of the power and independence that might be necessary. On the other plan of appointing him for seven years, I think, the Executive ought to have but little power. He would be ambitious, with the means of making creatures, and as the object of his ambition would be to prolong his power, it is probable that in case of war he would avail him-

self of the emergency to evade or refuse a degradation from his place. An Executive for life has not this motive for forgetting his fidelity, and will therefore be a safer depository of power. It will be objected, probably, that such an Executive will be an elective monarch, and will give birth to the tumults which characterize that form of government. I reply that "monarch" is an indefinite term. It marks not either the degree or duration of power. If this executive magistrate would be a monarch for life, the other proposed by the Report from the Committee of the Whole would be a monarch for seven years. The circumstance of being elective was also applicable to both. It had been observed by judicious writers, that elective monarchies would be the best if they could be guarded against the tumults excited by the ambition and intrigues of competitors. I am not sure that tumults are an inseparable evil. I think this character of elective monarchies has been taken rather from particular cases than from general principles. The election of Roman emperors was made by the army. In Poland the election is made by great rival princes, with independent power, and ample means of raising commotions. In the German empire the appointment is made by the electors and princes, who have equal motives and means for exciting cabals and parties. Might not such a mode of election be devised among ourselves as will defend the community against these effects in any dangerous degree?

Having made these observations, I will read to the committee a sketch of a plan which I should

prefer to either of those under consideration. I am aware that it goes beyond the ideas of most members. But will such a plan be adopted out of doors? In return I would ask, Will the people adopt the other plan? At present they will adopt neither. But I see the Union dissolving, or already dissolved. I see evils operating in the States which must soon cure the people of their fondness for democracies. I see that a great progress has been already made, and is still going on, in the public mind. I think, therefore, that the people will in time be unshackled from their prejudices; and whenever that happens, they will themselves not be satisfied at stopping where the plan of Mr. Randolph would place them, but be ready to go as far at least as he proposes. I do not mean to offer the paper I have sketched as a proposition to the committee. It is meant only to give a more correct view of my ideas, and to suggest the amendments which I should propose to the plan of Mr. Randolph, in the proper stages of its future discussion. [Col. Hamilton then read his sketch, which has already been given in the preceding propositions and plan.]—*Madison Papers.*

Monday, June 18th,[1] Col. Hamilton said:

To deliver my sentiments on so important a subject, when the first characters in the Union

[1] This is Yates's report of the preceding speech. It is a little more life-like and vigorous than Madison's. Judge Yates, however, was Hamilton's colleague, and in utter opposition to him on all points, so that personal prejudices probably make this version less fair and authentic than that of Madison. Madison's report, moreover, has the advantage of having been examined and approved by Hamilton himself.

have gone before me, inspires me with the greatest diffidence, especially when my own ideas are so materially dissimilar to the plans now before the committee. My situation is disagreeable, but it would be criminal not to come forward on a question of such magnitude. I have well considered the subject, and am convinced that no amendment of the Confederation can answer the purpose of a good government, so long as State sovereignties do, in any shape, exist; and I have great doubts whether a national government, on the Virginia plan, can be made effectual. What is federal? An association of several independent states as one. How or in what manner this association is formed is not so clearly distinguishable. We find the Diet of Germany has, in some instances, the power of legislation on individuals. We find the United States of America have it, in an extensive degree, in the cases of piracies. Let us now review the powers with which we are invested. We are appointed for the sole and express purpose of revising the Confederation, and to alter or amend it so as to render it effectual for the purposes of a good government. Those who suppose it must be federal lay great stress on the terms *sole* and *express*, as if these words intended a confinement to a federal government; when the manifest import is no more than that the institution of a good government must be the sole and express object of your deliberations. Nor can we suppose an annihilation of our powers by forming a national government, as many of the States have made, in their constitutions, no provision for any altera-

tion; and thus much I can say for the State I have the honor to represent, that, when our credentials were under consideration in the Senate, some members were for inserting a restriction in the powers, to prevent an encroachment on the constitution. It was answered by others; and thereupon the resolve carried on the credentials that it might abridge some of the constitutional powers of the State, and that, possibly, in the formation of a new Union, it would be found necessary. This appears reasonable, and therefore leaves us at liberty to form such a national government as we think best adapted for the good of the whole. I have, therefore, no difficulty as to the extent of our powers, nor do I feel myself restrained in the exercise of my judgment under them. We can only propose and recommend; the power of ratifying or rejecting is still in the States. But on this great question I am still greatly embarrassed. I have before observed my apprehension of the inefficacy of either plan; and I have great doubts whether a more energetic government can pervade this wide and extensive country. I shall now show that both plans are materially defective.

1. A good government ought to be constant, and ought to contain an active principle.
2. Utility and necessity.
3. An habitual sense of obligation.
4. Force.
5. Influence.

I hold it that different societies have all different views and interests to pursue, and always prefer

local to general concerns. For example: New York Legislature made an external compliance lately to a requisition of Congress; but do they not, at the same time, counteract their compliance by gratifying the local objects of the State, so as to defeat their concession? And this will ever be the case. Men always love power, and States will prefer their particular concerns to the general welfare; and as States become larger and important, will they not be less attentive to the general government? What, in process of time, will Virginia be? She contains now half a million of inhabitants; in twenty-five years she will double the number. Feeling her own weight and importance, must she not become indifferent to the concerns of the Union? And where, in such a situation, will be found national attachment to the general government? By "force" I mean the coercion of law and the coercion of arms. Will this remark apply to the power intended to be vested in the government to be instituted by either plan? A delinquent must be compelled to obedience by force of arms. How is this to be done? If you are unsuccessful, a dissolution of your government must be the consequence; and in that case the individual Legislatures will reassume their powers; nay, will not the interests of the States be thrown into the State governments? By influence I mean the regular weight and support it will receive from those who will find it their interest to support a government intended to preserve the peace and happiness of the community of the whole. The State governments, by either plan, will exert the

means to counteract it. They have their State judges and militia all combined to support their State interests; and these will be influenced to oppose a national government. Either plan is therefore precarious. The national government cannot long exist when opposed by such a weighty rival. The experience of ancient and modern confederacies evinces this point, and throws considerable light on the subject. The Amphictyonic Council of Greece had a right to require of its members troops, money, and the force of the country. Were they obeyed in the exercise of these powers? Could they preserve the peace of the greater states and republics? Or where were they obeyed? History shows that their decrees were disregarded, and that the stronger states, regardless of their power, gave law to the lesser. Let us examine the federal institution of Germany. It was instituted upon the laudable principle of securing the independency of the several states of which it was composed, and to protect them against foreign invasion. Has it answered these good intentions? Do we not see that their councils are weak and distracted, and that it cannot prevent the wars and confusions which the respective electors carry on against each other? The Swiss cantons, or the Helvetic union, are equally inefficient. Such are the lessons which the experience of others affords us, and from whence results the evident conclusion that all federal governments are weak and distracted. To avoid the evils deducible from these observations, we must establish a general and national government, completely

sovereign, and annihilate the State distinctions and State operations; and, unless we do this, no good purpose can be answered. What does the Jersey plan propose? It surely has not this for an object. By this we grant the regulation of trade and a more effectual collection of revenue and some partial duties. These at five or ten per cent, would only perhaps amount to a fund to discharge the debt of the corporation. Let us take a review of the variety of important objects, which must necessarily engage the attention of a national government. You have to protect your rights against Canada on the north, Spain on the south, and your western frontier against savages. You have to adopt necessary plans for the settlement of your frontiers, and to institute the mode in which settlements and good government are to be made. How is the expense of supporting and regulating these important matters to be defrayed? By requisition on the States according to the Jersey plan? Will this do it? We have already found it ineffectual. Let one State prove delinquent, and it will encourage others to follow the example; and thus the whole will fail. And what is the standard to quota among the States their respective proportions? Can lands be the standard? How would that apply between Russia and Holland? Compare Pennsylvania with North Carolina; or Connecticut with New York. Does not commerce or industry in the one or other make a great disparity between these different countries, and may not the comparative value of the States from these circumstances make an un-

equal disproportion when the data is numbers? I therefore conclude that either system would ultimately destroy the Confederation or any other government which is established on such fallacious principles. Perhaps imposts, taxes on specific articles, would produce a more equal system of drawing a revenue. Another objection to the Jersey plan is the unequal representation. Can the great States consent to this? If they did, it would eventually work its own destruction. How are forces to be raised by the Jersey plan? By quotas? Will the States comply with the requisition? As much as they will with the taxes. Examine the present Confederation and it is evident they can raise no troops, nor equip vessels, before war is actually declared. They cannot, therefore, take any preparatory measure before an enemy is at your door. How unwise and inadequate their powers! And this must ever be the case when they attempt to define powers. Something will always be wanting. Congress, by being annually elected, and subject to recall, will ever come with the prejudices of their States, rather than the good of the Union. Add, therefore, additional powers to a body thus organized, and you establish a sovereignty of the worst kind, consisting of a single body. Where are the checks? None. They must either prevail over the State governments, or the prevalence of the State governments must end in their dissolution. This is a conclusive objection to the Jersey plan. Such are the insuperable objections to both plans; and what is to be done on this occasion? I confess I am at a

loss. I foresee the difficulty, on a consolidated plan, of drawing a representation from so extensive a continent to one place. What can be the inducements for gentlemen to come six hundred miles to a national Legislature? The expense would at least amount to £100,000. This, however, can be no conclusive objection, if it eventuates in an extinction of State governments. The burden of the latter would be saved, and the expense then would not be great. State distinctions would be found unnecessary; and yet, I confess, to carry government to extremities, the State governments, reduced to corporations and with very limited powers, might be necessary, and the expense of the national government become less burdensome. Yet, I confess, I see great difficulty of drawing forth a good representation. What, for example, will be the inducements for gentlemen of fortune and abilities to leave their houses and business to attend annually and long? It cannot be the wages; for these, I presume, must be small. Will not the power, therefore, be thrown into the hands of the demagogue or middling politician, who, for the sake of a small stipend and hopes of advancement, will offer himself as a candidate, and the real men of weight and influence, by remaining at home, add strength to the State governments? I am at a loss to know what must be done; I despair that a republican form of government can remove the difficulties. Whatever may be my opinion, I would hold it, however, unwise to change that form of government. I believe the British government forms the best model

the world ever produced, and such has been its progress in the minds of many, that this truth gradually gains ground. This government has for its object public strength and individual security. It is said with us to be unattainable. If it was once formed it would maintain itself.

All communities divide themselves into the few and the many. The first are the rich and well-born, the other the mass of the people. The voice of the people has been said to be the voice of God; and, however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the first class a distinct, permanent share in the government. They will check the unsteadiness of the second, and, as they cannot receive any advantage by a change, they therefore will ever maintain good government. Can a democratic Assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of democracy. Their turbulent and uncontrolling disposition requires checks. The Senate of New York, although chosen for four years, we have found to be inefficient. Will, on the Virginia plan, a continuance of seven years do it? It is admitted that you cannot have a good Executive upon a democratic plan. See the excellency of the British Executive. He is placed above temptation. He can have no distinct interests from the public welfare. Nothing short of such an executive can be efficient. The weak side of a

republican government is the danger of foreign influence. This is unavoidable, unless it is so constructed as to bring forward its first characters in its support. I am, therefore, for a general government, yet would wish to go the full length of republican principles. Let one body of the Legislature be constituted during good behavior or life. Let one Executive be appointed who dares execute his powers. It may be asked: Is this a republican system? It is strictly so, as long as they remain elective. And let me observe, that an Executive is less dangerous to the liberties of the people when in office during life, than for seven years. It may be said, this constitutes an elective monarchy. Pray, what is a monarchy? May not the governors of the respective States be considered in that light? But, by making the Executive subject to impeachment, the term monarchy cannot apply. These elective monarchs have produced tumults in Rome, and are equally dangerous to peace in Poland; but this cannot apply to the mode in which I would propose the election. Let electors be appointed in each of the States to elect the Executive, [here Mr. H. produced his plan, a copy whereof is hereunto annexed,] to consist of two branches; and I would give them the unlimited power of passing all laws, without exception. The Assembly to be elected for three years, by the people in districts. The Senate to be elected by electors to be chosen for that purpose by the people, and to remain in office during life. The Executive to have the power of negativing all laws; to make war or peace, with their advice, but to have

the sole direction of all military operations, and to send ambassadors, and appoint all military officers; and to pardon all offenders, treason excepted, unless by advice of the Senate. On his death or removal, the President of the Senate to officiate, with the same powers, until another is elected. Supreme judicial officers to be appointed by the Executive and the Senate. The Legislature to appoint courts in each State, so as to make the State governments unnecessary to it. All State laws which contravene the general laws to be absolutely void. An officer to be appointed in each State, to have a negative on all State laws. All the militia, and the appointment of officers, to be under the national government. I confess that this plan and that from Virginia are very remote from the idea of the people. Perhaps the Jersey plan is nearest their expectation. But the people are gradually ripening in their opinions of government; they begin to be tired of an excess of democracy; and what even is the Virginia plan, but "pork still, with a little change of sauce."—*Yates*, "Secret Proceedings," etc.

June 19th, Colonel Hamilton said: I agree to the proposition. I did not intend, yesterday, a total extinguishment of State governments; but my meaning was, that a national government ought to be able to support itself without aid or interference of the State governments, and that therefore it was necessary to have full sovereignty. Even with corporate rights, the States will be dangerous to the national government, and ought to be extinguished, new modified, or reduced to a smaller scale.—*Yates.*

June 19th, Colonel Hamilton said: That he coincided with the proposition as it stood in the report. He had not been understood yesterday. By an abolition of the States, he meant that no boundary could be drawn between the National and State Legislatures; that the former must therefore have indefinite authority. If it were limited at all the rivalship of the States would gradually subvert it. Even as corporations, the extent of some of them, as Virginia, Massachusetts, etc., would be formidable. As States, he thought they ought to be abolished. But he admitted the necessity, of leaving in them subordinate jurisdictions. The examples of Persia and the Roman empire, cited by Mr. Wilson, were, he thought, in favor of his doctrine, the great powers delegated to the satraps and proconsuls having frequently produced revolts and schemes of independence.—*Madison Papers.*

June 19th, Colonel Hamilton said: I agree to Mr. Wilson's remark. Establish a weak government and you must at times overleap the bounds. Rome was obliged to create dictators. Cannot you make propositions to the people because we before confederated on other principles? The people can yield to them if they will. The three great objects of government—agriculture, commerce, and revenue—can only be secured by a general government.—*Yates.*

June 19th, Colonel Hamilton said: That he assented to the doctrine of Mr. Wilson. He denied the doctrine that the States were thrown into a state of nature. He was not yet prepared to admit

the doctrine that the Confederacy could be dissolved by partial infractions of it. He admitted that the States met now on an equal footing, but could see no inference from that against concerting a change of the system in this particular. He took this occasion of observing, for the purpose of appeasing the fear of the small States, that two circumstances would render them secure under a national government in which they might lose the equality of rank which they now held: one was the local situation of the three largest States, Virginia, Massachusetts, and Pennsylvania. They were separated from each other by distance of place, and equally so by all the peculiarities which distinguish the interests of one State from those of another. No combination, therefore, could be dreaded. In the second place, as there was a gradation in the States, from Virginia, the largest, down to Delaware, the smallest, it would always happen that ambitious combinations among a few States might and would be counteracted by defensive combinations of greater extent among the rest. No combination has been seen among the large counties, merely as such, against lesser counties. The more close the union of the States, and the more complete the authority of the whole, the less opportunity will be allowed to the stronger States to injure the weaker.—*Madison Papers.*

June 21st, Col. Hamilton said: It is essential to the democratic rights of the community, that this branch [1] be directly elected by the people. Let us

[1] The Senate.

look forward to probable events. There may be a time when State legislation will cease, and such an event ought not to embarrass the national government.—*Yates.*

June 21st: Col. Hamilton considered the motion[1] as intended manifestly to transfer the election from the people to the State Legislatures, which would essentially vitiate the plan. It would increase that State influence which could not be too watchfully guarded against. All, too, must admit the possibility, in case the general government should maintain itself, that the State governments might gradually dwindle into nothing. The system, therefore, should not be engrafted on what might possibly fail.—*Madison Papers.*

June 21st, Col. Hamilton said: There is a medium in every thing. I confess three years is not too long. A representative ought to have full freedom of deliberation and ought to exert an opinion of his own. I am convinced the public mind will adopt a solid plan. In the government of New York, although higher-toned than that of any other State, still we find great listlessness and indifference in the electors; nor do they, in general, bring forward the first characters to the Legislature. The public mind is perhaps not now ready to receive the best plan of government, but certain circumstances are now progressing which will give a different complexion to it.—*Yates.*

June 21st: Col. Hamilton urged the necessity of

[1] Motion by Pinckney to have upper branch appointed in such manner as State Legislatures may direct.

three years.[1] There ought to be neither too much nor too little dependence on the popular sentiments. The checks in the other branches of the government would be but feeble, and would need every auxiliary principle that could be interwoven. The British House of Commons were elected septennially, yet the democratic spirit of the constitution had not ceased. Frequency of elections tended to make the people listless to them, and to facilitate the success of little cabals. This evil was complained of in all the States. In Virginia it had been lately found necessary to force the attendance and voting of the people by severe regulations.—*Madison Papers.*

June 22d, Col. Hamilton said: I do not think the States ought to pay the members, nor am I for a fixed sum. It is a general remark, that he who pays is the master. If each State pays its own members, the burden would be disproportionate, according to the distance of the States from the seat of government. If a national government can exist, members will make it a desirable object to attend, without accepting any stipend; and it ought to be so organized as to be efficient.

It has been often asserted, that the interests of the general and of the State Legislatures are precisely the same. This cannot be true. The views of the governed are often materially different from those who govern. The science of policy is the knowledge of human nature. A State government will ever be the rival power of the general government. It is therefore highly improper that the State Legislatures

[1] For the lower branch.

should be the paymasters of the members of the national government. All political bodies love power, and it will often be improperly attained.—*Yates.*

June 22d, Col. Hamilton said; In all general questions which become the subjects of discussion, there are always some truths mixed with falsehoods. I confess, there is danger where men are capable of holding two offices. Take mankind in general, they are vicious, their passions may be operated upon. We have been taught to reprobate the danger of influence in the British government, without duly reflecting how far it was necessary to support a good government. We have taken up many ideas upon trust, and at last, pleased with our own opinions, establish them as undoubted truths. Hume's opinion of the British constitution confirms the remark, that there is always a body of firm patriots, who often shake a corrupt administration. Take mankind as they are, and what are they governed by? Their passions. There may be in every government a few choice spirits, who may act from more worthy motives. One great error is that we suppose mankind more honest than they are. Our prevailing passions are ambition and interest; and it will ever be the duty of a wise government to avail itself of the passions, in order to make them subservient to the public good; for these ever induce us to action. Perhaps a few men in a State may, from patriotic motives, or to display their talents, or to reap the advantage of public applause, step forward; but, if we adopt the clause,[1] we destroy the motive. I am,

[1] Forbidding representatives to hold any other office.

therefore, against all exclusions and refinements, except only in this case: that, when a member takes his seat, he should vacate every other office. It is difficult to put any exclusive regulation into effect. We must, in some degree, submit to the inconvenience.—*Yates.*

On the question of ineligibility of members of Congress to office, Colonel Hamilton said, June 22d: There are inconveniences on both sides. We must take man as we find him; and if we expect him to serve the public, must interest his passions in doing so. A reliance on pure patriotism had been the source of many of our errors. He thought the remark of Mr. Gorham a just one. It was impossible to say what would be the effect in Great Britain of such a reform as had been urged. It was known that one of the ablest politicians (Mr. Hume) had pronounced that all that influence on the side of the Crown which went under the name of corruption, was an essential part of the weight which maintained the equilibrium of the constitution.—*Madison Papers.*

On tenure of Senate, Col. Hamilton said, June 22d: That he did not mean to enter particularly into the subject. He concurred with Mr. Madison in thinking we were now to decide for ever the fate of republican government; and that if we did not give to that form due stability and wisdom, it would be disgraced and lost among ourselves, disgraced and lost to mankind for ever. He acknowledged himself not to think favorably of republican government; but addressed his remarks to those who did think favorably of it, in order to prevail on them to

tone their government as high as possible. He professed himself to be as zealous an advocate for liberty as any man whatever; and trusted he should be as willing a martyr to it, though he differed as to the form in which it was most eligible. He concurred, also, in the general observations of Mr. Madison on the subject, which might be supported by others if it were necessary. It was certainly true, that nothing like an equality of property existed; that an inequality would exist as long as liberty existed, and that it would unavoidably result from that very liberty itself. This inequality of property constituted the great and fundamental distinction in society. When the tribunitial power had levelled the boundary between the patricians and plebeians, what followed? The distinction between rich and poor was substituted. He meant not, however, to enlarge on the subject. He arose principally to remark that Mr. Sherman seemed not to recollect that one branch of the proposed government was so formed as to render it particularly the guardians of the poorer orders of citizens; nor to have adverted to the true causes of the stability which had been exemplified in Connecticut. Under the British system, as well as the Federal, many of the great powers appertaining to government, particularly all those relating to foreign nations, were not in the hands of the government there. Their internal affairs, also, were extremely simple, owing to sundry causes, many of which were peculiar to that country. Of late the government had entirely given way to the people, and had, in fact, suspended many of its

ordinary functions, in order to prevent those turbulent scenes which had appeared elsewhere. He asks Mr. Sherman whether the State, at this time, dare impose and collect a tax on the people? To these causes, and not to the frequency of elections, the effect, as far as it existed, ought to be chiefly ascribed.—*Madison Papers.*

June 26th, Col. Hamilton said: This question has already been considered in several points of view. We are now forming a republican government. Real liberty is never found in despotism or the extremes of democracy, but in moderate governments. Those who mean to form a solid republican government ought to proceed to the confines of another government. As long as offices are open to all men, and no constitutional rank is established, it is pure republicanism. But if we *incline too much to democracy, we shall soon shoot into a monarchy.* The difference of property is already great among us. Commerce and industry will still increase the disparity. Your government must meet this state of things, or combinations will in process of time undermine your system. What was the tribunitial power of Rome? It was instituted by the plebeians as a guard against the patricians. But was this a sufficient check? No! The only distinction which remained at Rome was, at last, between the rich and the poor. The gentleman from Connecticut forgets that the democratic body is already secure in a representation. As to Connecticut, what were the little objects of their government before the Revolution? Colonial concerns merely. They ought now to act on a more

extended scale; and dare they do this? Dare they collect the taxes and requisitions of Congress? Such a government may do well if they do not tax, and this is precisely their situation.—*Yates.*

June 29th, Col. Hamilton said: The course of my experience in human affairs might, perhaps, restrain me from saying much on this subject. I shall, however, give utterance to some of the observations I have made during the course of this debate. The gentleman from Maryland has been at great pains to establish positions which are not denied. Many of them, as drawn from the best writers on government, are become self-evident principles. But I doubt the propriety of his application of those principles in the present discussion. He deduces from them the necessity that States entering into a confederacy must retain the equality of votes. This position cannot be correct. Facts contradict it. The Parliament of Great Britain asserted a supremacy over the whole empire, and the celebrated Judge Blackstone labors for the legality of it, although many parts were not represented. This parliamentary power we opposed as contrary to our colonial rights. With that exception, throughout that whole empire it is submitted to.

May not the smaller and greater States so modify their respective rights as to establish the general interest of the whole without adhering to the right of equality? Strict representation is not observed in any of the State governments. The Senate of New York are chosen by persons of certain qualifications to the exclusion of others.

The question after all is—Is it our interest, in modifying this general government, to sacrifice individual rights to the preservation of the rights of an *artificial* being, called States? There can be no truer principle than this—*That every individual of the community at large has an equal right to the protection of government.* If, therefore, three States contain a majority of the inhabitants of America, ought they to be governed by a minority? Would the inhabitants of the great States ever submit to this? If the smaller States maintain this principle through a love of power, will not the larger, from the same motives, be equally tenacious to preserve their power? They are to surrender their rights—for what? For the preservation of an artificial being. We propose a free government. Can it be so, if partial distinctions are maintained?

I agree with the gentleman from Delaware, that if the State governments are to act in the general government, it affords the strongest reason for exclusion. In the State of New York five counties form a majority of representatives, and yet the government is in no danger, because the laws have a general operation. The small States exaggerate their danger, and on this ground contend for an undue proportion of power. But their danger is increased if the larger States will not submit to it. Where will they form new alliances for their support? Will they do this with foreign powers? Foreigners are jealous of our increasing greatness, and would rejoice in our distractions. Those who have had opportunities of conversing with foreigners

respecting sovereigns in Europe, have discovered in them an anxiety for the preservation of our democratic governments, probably for no other reason but to keep us weak. Unless your government is respectable, foreigners will invade your rights, and to maintain tranquillity it must be respectable. Even to observe neutrality you must have a strong government.

I confess our present situation is critical. We have just finished a war which has established our independence and loaded us with a heavy debt. We have still every motive to unite for our common defence. Our people are disposed to have a good government, but this disposition may not always prevail. It is difficult to amend confederations; it has been attempted in vain, and it is perhaps a miracle that we are now met. We must therefore improve the opportunity and render the present system as perfect as possible. Their good-sense and, above all, the necessity of their affairs will induce the people to adopt it.—*Yates.*

June 29th, Mr. Hamilton observed: That individuals forming political societies modify their rights differently, with regard to suffrage. Examples of it are found in all the States. In all of them, some individuals are deprived of the right altogether, not having the requisite qualification of property. In some of the States, the right of suffrage is allowed in some cases, and refused in others. To vote for a member in one branch a certain quantum of property, to vote for a member in another branch of the Legislature a higher quantum of property,

is required. In like manner, States may modify their right of suffrage differently, the larger exercising a larger, the smaller a smaller, share of it. But as States are collections of individual men, which ought we to respect most, the rights of the people composing them, or of the artificial beings resulting from the composition? Nothing could be more preposterous or absurd than to sacrifice the former to the latter. It has been said that if the smaller States renounce their equality, they renounce at the same time their liberty. The truth is, it is a contest for power, not for liberty. Will the men composing the small States be less free than those composing the larger? The State of Delaware, having forty thousand souls, will lose power if she has one tenth only of the votes allowed to Pennsylvania, having four hundred thousand; but will the people of Delaware be less free, if each citizen has an equal vote with each citizen of Pennsylvania? He admitted that common residence within the same State would produce a certain degree of attachment, and that this principle might have a certain influence on public affairs. He thought, however, that this might, by some precautions, be in a great measure excluded; and that no material inconvenience could result from it, as there could not be any ground for combination among the States whose influence was most dreaded. The only considerable distinction of interests lay between the carrying and non-carrying States, which divides, instead of uniting, the largest States. No considerable inconvenience had been found from the division of the

State of New York into different districts of different sizes. Some of the consequences of a dissolution of the Union and the establishment of partial confederacies had been pointed out. He would add another of a most serious nature. Alliances will immediately be formed with different rival and hostile nations of Europe, who will foment disturbances among ourselves, and make us parties to all their own quarrels. Foreign nations having no American dominion are, and must be, jealous of us. Their representatives betray the utmost anxiety for our fate, and for the result of this meeting, which must have an essential influence on it. It had been said that respectability in the eyes of foreign nations was not the object at which we aimed; that the proper object of republican government was domestic tranquillity and happiness. This was an ideal distinction. No government could give us tranquillity and happiness at home which did not possess sufficient stability and strength to make us respectable abroad. This was the critical moment for forming such a government. We should run every risk in trusting to future amendments. As yet we retain the habits of union. We are weak, and sensible of our weakness. Henceforward the motives will become feebler and the difficulties greater. It is a miracle that we are now here, exercising our tranquil and free deliberations on the subject. It would be madness to trust to future miracles. A thousand causes must obstruct a reproduction of them.—*Madison Papers.*

Aug. 13th, Col. Hamilton said: That he was, in

general, against embarrassing the government with minute restrictions.[1] There was, on one side, the possible danger that had been suggested. On the other side, the advantage of encouraging foreigners was obvious and admitted. Persons in Europe of moderate fortunes will be fond of coming here, where they will be on a level with the first citizens. He moved that the section be so altered as to require merely "citizenship and inhabitancy." The right of determining the rule of naturalization will then leave a discretion to the Legislature on this subject, which will answer every purpose.—*Madison Papers.*

Sept. 5th, Mr. Hamilton said: That he had been restrained from entering into the discussions by his dislike of the scheme of government in general; but as he meant to support the plan to be recommended as better than nothing, he wished in this place to offer a few remarks. He liked the new modification, on the whole, better than that in the printed report. In this the President was a monster, elected for seven years, and ineligible afterward; having great powers in appointments to office; and continually tempted, by this constitutional disqualification, to abuse them in order to subvert the government. Although he should be made re-eligible, still, if appointed by the Legislature, he would be tempted to

[1] Just after this speech, Hamilton, crippled in all his efforts by the departure of his colleagues, Yates and Lansing, left the convention, and did not return until September. Yates and Lansing had withdrawn July 5th, and did not return at all. The State of New York had, therefore, no representation, and Hamilton could only cast his individual vote, which was, of course, utterly without effect.

make use of corrupt influence to be continued in office. It seemed particularly desirable, therefore, that some other mode of election should be devised. Considering the different views of different States, and the different districts, Northern, Middle, and Southern, he concurred with those who thought that the votes would not be concentred, and that the appointment would, consequently, in the present mode, devolve on the Senate. The nomination to offices will give great weight to the President. Here, then, is a mutual connection and influence, that will perpetuate the President, and aggrandize both him and the Senate. What is to be the remedy? He saw none better than to let the highest number of ballots, whether a majority or not, appoint the President. What was the objection to this? Merely that too small a number might appoint. But, as the plan stands, the Senate may take the candidate having the smallest number of votes, and make him President.—*Madison Papers.*

Sept. 8th, Col. Hamilton expressed himself with great earnestness and anxiety in favor of the motion.[1] He avowed himself a friend to a vigorous government, but would declare, at the same time, he held it essential that the popular branch of it should be on a broad foundation. He was seriously of opinion that the House of Representatives was on so narrow a scale as to be really dangerous, and to warrant a jealousy in the people for their liberties. He remarked that the connection between the President

[1] By Mr. Williamson, to increase the number of the House of Representatives.

and Senate would tend to perpetuate him, by corrupt influence. It was the more necessary on this account that a numerous representation in the other branch of the Legislature should be established.—*Madison Papers.*

Sept. 10th, Mr. Hamilton seconded the motion,[1] but, he said, with a different view from Mr. Gerry. He did not object to the consequences stated by Mr. Gerry. There was no greater evil in subjecting the people of the United States to the major voice, than the people of a particular State. It had been wished by many, and was much to have been desired, that an easier mode of introducing amendments had been provided by the Articles of the Confederation. It was equally desirable now, that an easy mode should be established for supplying defects which will probably appear in the new system. The mode proposed was not adequate. The State Legislatures will not apply for alterations but with a view to increase their own powers. The National Legislature will be the first to perceive, and will be most sensible to, the necessity of amendments; and ought also to be empowered, whenever two thirds of each branch should concur, to call a convention. There could be no danger in giving this power, as the people would finally decide in the case. —*Madison Papers.*

Sept. 17th, Mr. Hamilton expressed his anxiety that every member should sign. A few characters

[1] Motion by Mr. Gerry to reconsider Article 19, providing for amendments to the Constitution, because it gave too much power to the majority of the States.

of consequence, by opposing, or even refusing to sign the Constitution, might do infinite mischief by kindling the latent sparks that lurk under an enthusiasm in favor of the convention, which may soon subside. No man's ideas were more remote from the plan than his own were known to be; but is it possible to deliberate between anarchy and convulsion on one side, and the chance of good to be expected from the plan on the other?—*Madison Papers.*

IMPRESSIONS AS TO THE NEW CONSTITUTION [1]

SEPTEMBER, 1787.

The new Constitution has in favor of its success these circumstances: A very great weight of influence of the persons who framed it, particularly in the universal popularity of General Washington. The good-will of the commercial interest throughout the States, which will give all its efforts to the establishment of a government capable of regulating, protecting, and extending the commerce of the Union. The good-will of most men of property in the several States, who wish a government of the Union able to protect them against domestic violence, and the depredations which the democratic spirit is apt to

[1] This paper appears in the works in quotation marks, and is also given in Hamilton's *History of the Republic* (iii., p. 356). Whether it was a letter to a friend, a simple memorandum for the writer's own behoof, or a contribution to the newspapers, I have been unable to determine. I do not find it in Madison, but whatever the origin or object of the paper it is of interest, as showing Hamilton's views of the Constitution when the convention adjourned.

make on property, and who are besides anxious for the respectability of the nation. The hopes of the creditors of the United States, that a general government possessing the means of doing it, will pay the debt of the Union. A strong belief in the people at large of the insufficiency of the present Confederation to preserve the existence of the Union, and of the necessity of the Union to their safety and prosperity; of course, a strong desire of a change, and a predisposition to receive well the propositions of the convention.

Against its success is to be put the dissent of two of three important men [1] in the convention, who will think their characters pledged to defeat the plan; the influence of many *inconsiderable* men in possession of considerable offices under the State governments, who will fear a diminution of their consequence, power, and emolument, by the establishment of the general government, and who can hope for nothing there; the influence of some *considerable* men [2] in office, possessed of talents and popularity, who, partly from the same motives, and partly from a desire of *playing a part* in a convulsion for their own aggrandizement, will oppose the quiet adoption of the new government (some considerable men out of office, from motives of ambition, may be disposed to act the same part). Add to these causes

[1] Gerry, of Massachusetts, and Randolph and Mason, of Virginia, refused to sign. Yates and Lansing, of New York, and Luther Martin, of Martin, of Maryland, left the convention before the work was completed. Randolph came over to the support of the Constitution, but all the others resisted its ratification by their respective States.

[2] For example, George Clinton, Governor of New York.

the disinclination of the people to taxes, and of course to a strong government; the opposition of all men much in debt, who will not wish to see a government established, one object of which is to restrain the means of cheating creditors; the democratical jealousy of the people, which may be alarmed at the appearance of institutions that may seem calculated to place the power of the community in few hands, and to raise a few individuals to stations of great pre-eminence; and the influence of some foreign powers, who, from different motives, will not wish to see an energetic government established throughout the States.

In this view of the subject it is difficult to form any judgment whether the plan will be adopted or rejected. It must be essentially matter of conjecture. The present appearances and all other circumstances considered, the probability seems to be on the side of its adoption.

But the causes operating against its adoption are powerful, and there will be nothing astonishing in the contrary.

If it do not finally obtain, it is probable the discussion of the question will beget such struggles, animosities, and heats in the community, that this circumstance, conspiring with the *real necessity* of an essential change in our present situation, will produce civil war. Should this happen, whatever parties prevail, it is probable governments very different from the present in their principles will be established. A dismemberment of the Union, and monarchies in different portions of it, may be expected.

It may, however, happen that no civil war will take place, but several republican confederacies be established between different combinations of the particular States.

A reunion with Great Britain, from universal disgust at a state of commotion, is not impossible, though not much to be feared. The most plausible shape of such a business would be the establishment of a son of the present monarch in the supreme government of this country, with a family compact.

If the government be adopted it is probable General Washington will be the President of the United States. This will ensure a wise choice of men to administer the government, and a good administration. A good administration will conciliate the confidence and affection of the people, and perhaps enable the government to acquire more consistency than the proposed constitution seems to promise for so great a country. It may then triumph altogether over the State governments, and reduce them to an entire subordination, dividing the larger States into smaller districts. The *organs* of the general government may also acquire additional strength.

If this should not be the case in the course of a few years, it is probable that the contests about the boundaries of power between the particular governments and the general government, and the *momentum* of the larger States in such contests, will produce a dissolution of the Union. This, after all, seems to be the most likely result.

But it is almost arrogance in so complicated a

subject, depending so entirely on the incalculable fluctuations of the human passions, to attempt even a conjecture about the event.

It will be eight or nine months before any certain judgment can be formed respecting the adoption of the plan.

COMMENTS ON THE OPPOSITION TO THE CONSTITUTION

1787.

Mr. Hamilton, in his absence from New York on public duty (with how much propriety and temper his fellow-citizens must decide), has been attacked, by name, as the writer of a publication printed in Mr. Childs' paper of the 21st of July last. In fixing that publication upon him, there is certainly no mistake; nor did he ever mean to be concealed.[1]

He left his name with the printer, to be disclosed to any person who should apply for it on the part of the Governor, with instructions to make that circumstance known; which was accordingly done. The fairness of this conduct speaks for itself. The citizens of the State have too much good-sense to be deceived into an opinion that it could have been dictated by a wanton disposition to calumniate a meritorious character. They must and will con-

[1] July 21st, Hamilton published a brief note in a New York newspaper sharply criticising Governor Clinton's course of opposition to the convention and its work. He was led to do this by the belief that Clinton had caused the withdrawal of Yates and Lansing. The points made in the letter of July 21st are all covered by these "comments," which were drawn out by a reply (signed "Republican") to the letter of July 21st.

sider it as an honorable and open attempt to unmask, what appeared to the writer, the pernicious intrigue of a man high in office, to preserve power and emolument to himself, at the expense of the union, the peace, and the happiness of America.

To say that it would have been derogatory to the first magistrate of the State to enter the lists in a newspaper with an "anonymous scribbler," is a miserable subterfuge. Though Mr. Hamilton, to avoid the appearance of ostentation, did not put his name to that piece, yet, having left it with the printer to be communicated to the party concerned, there is no pretence to consider it in the light of an anonymous publication. If the matter alleged had been false, the Governor had his choice of two modes of vindicating himself from the assertion: one, by giving a simple and direct denial to it in the public prints; the other, by having a personal explanation on the subject with the writer. Neither of these modes could have wounded his dignity. The first is practised in most governments where public opinion is respected. A short paragraph to the following effect would have answered the purpose:

"The printer of this paper is authorized to assure the public that his Excellency the Governor never made use of the expressions attributed to him in a publication contained in Mr. Childs' paper of the 21st July, nor of any others of similar import."

This would have thrown it upon Mr. Hamilton to bring forward to public view the sources of his information, and the proofs of his charge. And this he has too much regard for his reputation not to

have been prepared to do. This he is still ready to do, whenever such a denial shall appear.

The Governor, if he had any objection to this mode of proceeding, might have had recourse to the other, that of a personal explanation with the writer. Mr. Hamilton would have conceived himself bound, by the principles of candor and honor, to declare on what grounds he had proceeded; and, if he could have been satisfied they were erroneous, to retract the imputations founded upon them. Would it have impaired the dignity of the first magistrate of a republic to have had such an explanation from any *reputable* citizen? Would it have impaired his dignity to have had such an explanation with a citizen, who is at this moment acting in an important and delicate trust by the appointment of the Legislature of the State?

Mr. Hamilton freely submits to the judgment of his fellow-citizens, whether there was any thing in the manner of his animadversions that preclude such an explanation. They were strong and pointed; but he flatters himself they were free from indecorum. He states the charge as matter of report; and makes his observations hypothetically, even seeming to admit a possibility of misrepresentation. As he was not himself present at the conversation, but spoke from the information of those who were, he could not with propriety have expressed himself in more positive terms. As he was speaking of an officer of the first rank in the State, he was disposed to use as much moderation in the manner of exhibiting his misconduct as was consistent with that explicitness

and energy which were necessary to place it in its proper light.

These remarks, while they explain Mr. Hamilton's motives, will serve to refute the cavil respecting his doubt of the truth of the fact alleged by him. He now declares that, from the nature of his information, he has no doubt of the kind; and that, since the publication, he has understood, from different partisans of the Governor, that he did not deny the expressions attributed to him to be in substance true, with some minute and unessential distinctions.

It is insinuated that the circulation of the fact is calculated to produce the evil pretended to be guarded against, by diffusing through the community a knowledge of the Governor's sentiments.

This remark admits of an obvious answer. If his Excellency was predetermined to oppose the measures of the convention, as his conduct indicates, he would take care himself to propagate his sentiments in the manner in which it could be done with most effect. This appears to have been his practice. It was therefore proper that the antidote should go along with the poison; and that the community should be apprised that he was capable of forming such a predetermination before, it can be presumed, he had any knowledge of the measures themselves on which to found his judgment.

A cry is attempted to be raised against the publication of Mr. Hamilton, as if it were an invasion of the right of the first magistrate of the State to deliver his sentiments on a matter of public concern. The fallacy of this artifice will easily be detected.

The Governor has an undoubted right to give his sentiments freely on every public measure. Under proper circumstances it will be always his duty to do it. But every *right* may be abused by a *wrong* exercise of it. Even the constitutional powers vested in him may be so employed as to subject him justly not only to censure, but to impeachment. The only question then is whether he has, in the present instance, used his right properly or improperly; whether it became him, *by anticipation*, to endeavor to prejudice the community against the "unknown and undetermined measures of a body, to which the general voice of the Union had delegated the important trust of concerting and proposing a plan for reforming the national Constitution." Let every man answer this question to himself.

The apologists for the Governor, in the intemperate ardor of their zeal for his character, seem to forget another *right* very precious to the citizens of a free country,—*that* of examining the conduct of their rulers. *These* have an undoubted right, within the limits of the Constitution, to speak and to act . . . their sentiments; but the citizen has an equal right to discuss the propriety of these sentiments, or of the manner of advancing or supporting them. To attempt to abridge this last right, by rendering the exercise of it odious, is to attempt to abridge a privilege, the most essential of any to the security of the people. The laws, which afford sufficient protection to the magistrate, will punish the excess of this privilege; within the bounds they allow, it is the bulwark of public liberty.

But observations of either kind might mutually have been spared. There is no danger that the rights of a man at the head of the government (possessing all the influence to be derived from long continuance in office, the disposition of lucrative places and *consummate talents* for popularity) can be injured by the voice of a private individual. There is as little danger that the spirit of the people of this country will ever tolerate attempts to seduce, to awe, or to clamor them out of the privilege of bringing the conduct of men in power to the bar of public condemnation.

To all the acclamation and abuse with which the Republican winds up his performance and labors to mislead the public attention from its *true object*, but one answer will be given. It is the trick of the party to traduce every *independent man* opposed to their views, the better to preserve to themselves that power and consequence to which they have no other title than their arts of deceiving the people.

Mr. Hamilton can, however, defy all their malevolent ingenuity to produce a single instance of his conduct, public or private, inconsistent with the strictest rules of integrity and honor—a single instance that may even denominate him selfish or interested—a single instance in which he has either "*forfeited*" the confidence of the people or failed of obtaining any proof of their favor for which he has been a candidate. It would be ingratitude in him not to acknowledge that the marks of their confidence have greatly exceeded his deserts.

APPENDIX

SINCE the note to the *Vindication of Congress* (p. 3) was printed, a thorough search among the Hamilton papers has shown that all that exists of the *Vindication* among the original MSS. has been printed, with the exception of the following additional paragraph:

"It may appear extraordinary that these observations should be introductory to remarks on the transaction which at this time principally engages the public attention, to wit, the removal of Congress from this city; but there is a chain of ideas which naturally connects the general opinion of Congress with the judgment to be passed upon their conduct in this particular instance. This chain will easily be traced by men of discernment."

Nothing has been discovered to show where Mr. J. C. Hamilton obtained the extracts, apparently from the *Vindication*, given in his *History of the Republic*, ii., 564 *et seq.*

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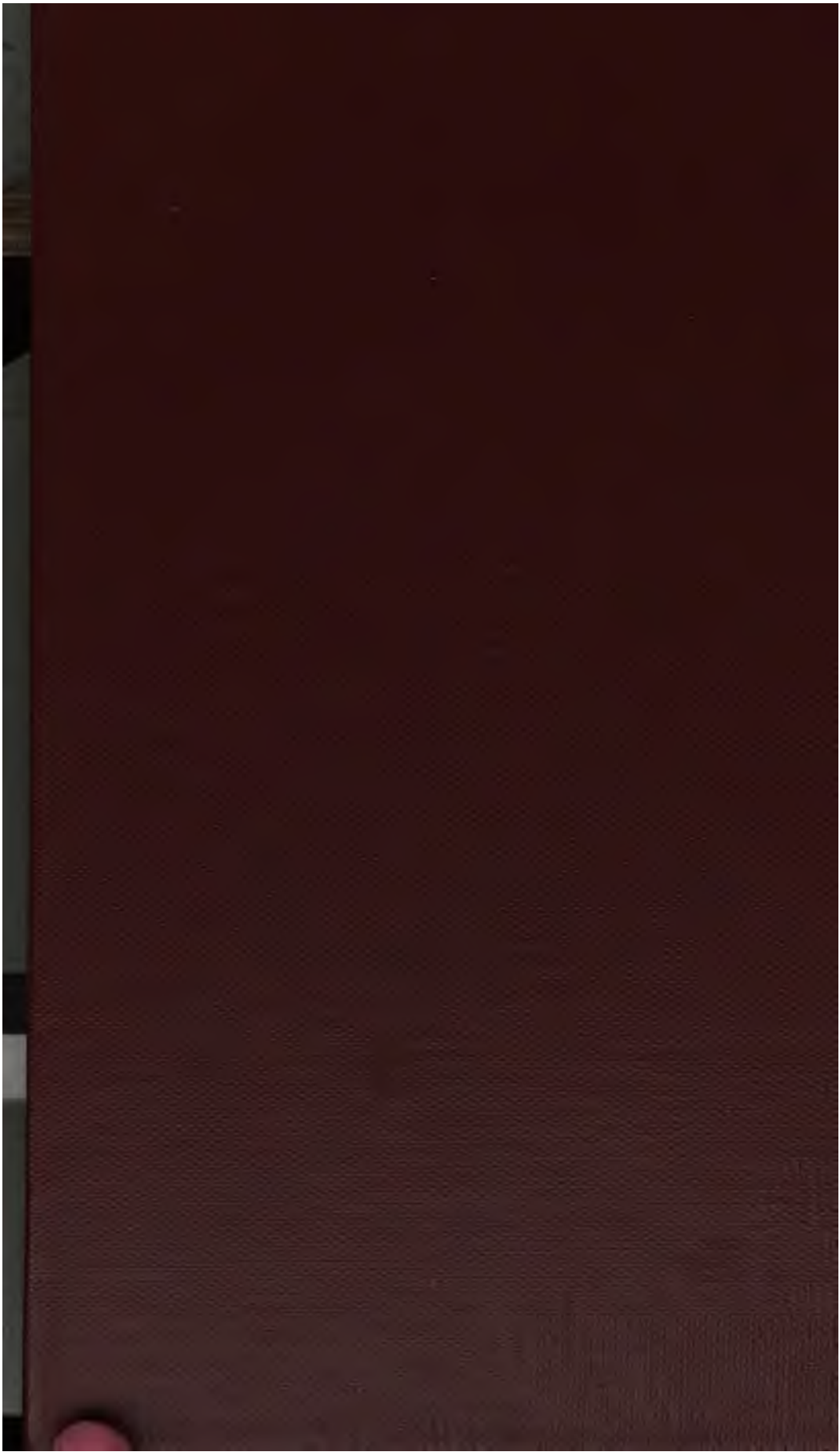
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